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CURRENT TOPICS

The Road Traffic Act, 1960

THIS Act received the Royal Assent on 22nd March, and should not be confused with the Road Traffic and Roads Improvement Bill, to which we drew attention last week (p. 275). The Road Traffic Act, 1960, consolidates the existing road traffic legislation into an Act containing 271 sections and twenty Schedules. It repeals the Road Traffic Act, 1930 (save Pt. V), the Road Traffic (Amendment) Act, 1931, Pt. I of the Road and Rail Traffic Act, 1933, the Road Traffic (Driving Licences) Acts, 1936 and 1947, and the Road Traffic Acts, 1934 and 1956. Part V of the 1930 Act, relates to omnibus services of local authorities and there are also a few minor provisions left unrepealed. Apart from these, the whole of the law relating to the matters contained in these Acts is now to be found in the new Act, and the Act also replaces the provisions of the cited 1933 Act relating to A, B and C licences for goods vehicles and the provisions of s. 16 of the same Act relating to records of hours of driving. The Act comes into operation on 1st September, 1960, and it is anticipated that most of the provisions of the new Bill will also operate on the same day. Certain provisions under the new Act will come into operation on a later day to be fixed by the Minister. Such provisions are those mainly to be found in the Road Traffic Act, 1956, which are not yet in operation. The new Act makes only insignificant changes in the existing law and the only one of interest to the practitioner is that which clears up the question of whether a warning of intended prosecution has to be given to a cyclist who disobeys a traffic sign. Section 241 of the new Act, in replacing s. 21 of the Road Traffic Act, 1930, shows that such warning must be given to the drivers or riders of all types of vehicles, whether mechanically propelled or not.

Disqualification from Driving

CLAUSE 16 of the Administration of Justice Bill proposes to give to the High Court, on an application for certiorari, power to pass the proper sentence which a magistrates' court or quarter sessions hearing an appeal from a magistrates' court should have passed. The difficulty with which this clause deals was shown by *R.* v. *Willesden Justices; ex parte Utley* [1948] 1 K.B. 397, where a man had been fined £20 for a road traffic offence for which the maximum fine was £5. The High Court held that the conviction and sentence could not be severed and the whole conviction had to be quashed. This clause is satisfactory, so far as it goes, but it does not appear to deal with the difficulties shown by the case of *R.* v. *Arundel Justices; ex parte Jackson* [1959] 2 Q.B. 89, where it was held that an order for disqualification from driving for a

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period in excess of the maximum allowed by law was something different from the penalty and could be quashed separately without quashing the finding of guilt and the fine. The High Court seemed to concede in that case that they had no power to substitute the proper period of disqualification. Clause 16 relates to " the sentence " only and the *Arundel* case suggests that the sentence is something different from the disqualification. Perhaps the clause will be amended during its passage through Parliament to deal with this matter. It is true that the only provision in road traffic law for a maximum period of disqualification as opposed to minimum periods relates to careless driving ; a person convicted of the latter offence may not be disqualified for more than one month, on a first conviction. However, in these days, unfortunately, offences of careless driving are very common and the subject seems to be sufficiently topical to justify making an amendment providing that the High Court may substitute the proper period of disqualification as well as pass the proper sentence.

Smiling in Doorways

THE decision of the Divisional Court in *Bryan* v. *Robinson* (1960), *The Times*, 9th April, is obviously very important as it means that in many cases in magistrates' courts the provisions of s. 54 (13) of the Metropolitan Police Act, 1839, have been misinterpreted. Under these provisions it is an offence for any person to use insulting words or behaviour whereby a breach of the peace may be occasioned, and in *Bryan* v. *Robinson*, *supra*, the court was asked to decide whether a woman who stood in the doorway of a near-beer non-alcoholic refreshment establishment in the West End of London and leant out, smiled, beckoned and spoke to three men walking past, was rightly convicted of that offence. Their lordships (LORD PARKER, C.J., ASHWORTH and SALMON, JJ.) held that she was not, as even if a reasonable person would be likely to treat the gestures as insulting, they were certainly not of such a character by which a breach of the peace could be occasioned. Of course, for the purposes of the Street Offences Act, 1959, " street " includes the doorways and entrances of premises abutting on a street, but in *Bryan* v. *Robinson*, *supra*, there was no suggestion that the establishment was disreputable or that the woman was soliciting for the purpose of prostitution.

The Winds of Change

MR. JOHN MILLS, of Counsel, made some interesting suggestions about mortgages in a lecture to the Solicitors' Managing Clerks' Association published in the March issue of their *Gazette*. After remarking that nowadays 100 per cent. advances made upon the security of dwelling-houses are encouraged, Mr. Mills pointed out that the average man or woman cannot see what is obtained for money spent upon legal advice on the subject. Banks and insurance companies often arrange advances against deeds with the assistance only of administrative staff ; although building societies still employ solicitors, the scale agreed between The Law Society and the Building Societies Association for cases in which building societies figure was something like a third of the old recognised scale ; " in all this rising tide of mortgage business, which is very vast, the legal profession is very much tending to be squeezed out." Mr. Mills pleaded for the cutting out of, to the layman, such meaningless mumbo-jumbo as demise to a mortgagee for a term of 3,000 years without impeachment of waste subject to cesser on redemption. He advocated using a mortgage document clearly setting out the parties' names and addresses, description of the property, amount of advance, rate of interest and terms of payment, and the remedies for default in clear English comprehensible to the man completely unlearned in the law. The standard provisions included in mortgages, such as covenants to repair and to insure, should be critically examined. The process of the court for enforcing mortgages should be streamlined with an extension of the substantive jurisdiction of the court to deal with mortgages. We welcome these sensible suggestions in the conviction that such a modern approach to legal matters is the only way to gain or retain the public's respect and to encourage them to make more use of the legal profession. It is particularly gratifying to note that the views summarised have fallen from the lips of a Chancery practitioner. Bearing in mind the recommendations of the Harman Committee (expounded recently in our columns at pp. 219, 242 and 260), it seems that the winds of change are blowing in the hitherto somewhat cloistered corridors of Chancery as well as across continents in the wide world outside.

Fair and Accurate Reports

FAIR and accurate newspaper reports of judicial proceedings enjoy qualified privilege at common law but s. 3 of the Law of Libel Amendment Act, 1888, as amended by s. 8 of the Defamation Act, 1952, provides that a fair and accurate report in any newspaper of proceedings publicly heard before any court in the United Kingdom shall, if published contemporaneously with such proceedings, be privileged. Although the Act does not say so, it is generally assumed that s. 3 created absolute privilege, but questions have arisen as to what constitutes a " fair and accurate report." The point arose in *Burnett and Hallamshire Fud, Ltd.* v. *Sheffield Telegraph and Star, Ltd.*, a recent case at the Sheffield Assizes. The plaintiffs contended that a report of proceedings in a magistrates' court against a lorry-driver published in the defendants' newspaper under the heading " Coal firm ' connives at dishonesty '—Solicitor " was libellous and counsel for the defence conceded that to say that the plaintiffs had connived at dishonesty was defamatory. It was for the jury to decide whether the report was " fair and accurate " and SALMON, J., told them that " there is no rule of law that a newspaper, before publishing a report of proceedings in court, is bound to verify what counsel or a witness says. Its function is to give the public a fair and accurate account of what goes on in court." The jury found for the defendants and this decision may be compared with that in *Mitchell* v. *Hirst, Kidd & Rennie, Ltd.* [1936] 3 All E.R. 872, where it was held that a report which referred to a conviction for stealing a car was not a " fair and accurate " report of a conviction for taking it without the owner's consent. Of course, the reason for granting privilege in respect of newspaper reports of judicial proceedings is that, if members of the public are entitled to hear a case in court, they are also entitled to be informed of what takes place in their absence. Salmon, J., said that this was " a fundamental right of the public."

The Solicitors' Journal

THE Easter holidays necessitate an alteration in the distribution arrangements for next week's issue. It will be posted one day later, to reach subscribers on Saturday, 23rd April. Subsequent issues will be posted as usual in time for delivery on the Friday of every week.

LOCAL LAW—I

Most readers probably find it difficult enough to keep up with the general law of the land without worrying about local law which applies only in particular counties or districts. Yet every year new byelaws are being made, and in every session of Parliament new local law is being enacted through the medium of private Bills. And every byelaw creates a new offence and most Bills which become law create a collection of rights, duties, powers and offences, in many cases a multitude of them.

The growth of this local law became a matter of concern in the last session of Parliament, when the Kent County Council deposited a Bill containing no less than 442 clauses and six Schedules. A Joint Committee of the two Houses was appointed to consider the extent to which proposed private Bill enactments which would alter the powers or duties of persons other than the promoter should be allowed, and to report on what, if any, changes should be made in the Standing Orders in regard to these Bills. The Committee's Report was published in October of last year (H.L. 176, H.C. 262, H.M.S.O., 18s. 6d.) complete with the minutes of evidence taken before the Committee, and is an interesting document. It is perhaps opportune to look at the content of local laws to see briefly how they are made, and to consider some of the criticisms which have been levelled at the multiplication of local laws and possible steps to meet them.

Byelaws

All the concern and criticism has in fact been directed at the law produced by private Bill legislation, but byelaws, which are true local law in the sense that they are enacted by local authorities, albeit under powers conferred by Parliament, might justly be criticised on many of the same points, and are indeed the forerunners in many respects of the greater powers conferred by private Acts. So the first look should be at byelaws.

Byelaws on specific subjects may be made by local authorities under powers conferred by many Acts, including both public general and private Acts, e.g., building byelaws under the Public Health Acts, but those with which this article is particularly concerned are the "good rule and government" byelaws made under s. 249 of the Local Government Act, 1933, which re-enacted similar provisions in earlier legislation. This section enables county councils and borough councils to make byelaws for the good rule and government of the county or borough and for the suppression of nuisances therein, but a county byelaw cannot operate in a borough in the county nor a borough byelaw operate outside the borough.

The miscellany of byelaws

The subjects covered by these byelaws are legion; to take some common headings—"Music near Houses," "Noises, etc., by Excursionists," "Deposit of Litter and Rubbish," "Orange Peel, etc.", "Wilful Jostling," "Stone Throwing," "Unsecured Bulls," and "Ferns and Other Plants." The writer has no knowledge of the byelaws of Nottinghamshire, but certainly in another county Robin Hood would be liable to a £5 fine for "discharging a missile from a crossbow to the interruption of a person."

Moreover the subjects lengthen with changing social habits. Thus byelaws have been made in recent years as to wireless loudspeakers, gramophones, etc., the letting off of fireworks in cinemas, riding bicycles on public footpaths, and driving vehicles on to ornamental verges. It is now fashionable to make byelaws prohibiting the use by night of automatic bird scarers, a variety of chinese cracker exploding at intervals but securely tethered.

Not only do these byelaws differ from county to county, but they even differ from one district in a county to another. Why, for instance in one county, and probably this obtains in many others, should it be an offence to carry a bag of soot along a footpath to the inconvenience of passengers in an urban district but not in a rural district, particularly when parts of a rural district council's district adjoining a town are often urban in character? Then there is the unfortunate roller skater who can dash careless down a pavement in a rural district in the county mentioned but as soon as he crosses the boundary, even though it is physically undetectable, into an urban district is a prey to any policeman and liable to a £5 fine. If he lives next to a borough he should, of course, study the borough byelaws as well as the county ones. Again one would have thought a bull had much the same nature in whatever county in England he lived, in which case why is it left to local byelaws to require him to be accompanied by three cows and two drovers when crossing a highway from one field to another of his farm? Perhaps the inhabitants of some counties are made of sufficiently stern stuff to look an unaccompanied bull in the face.

Then there is the byelaw which commonly applies in rural districts only, requiring any pit, area or sewer left open in a street after sunset to be sufficiently fenced or lighted. One must not infer from this that one's urban cousins do not mind falling into unlighted pits. The fact is that s. 28 of the Town Police Clauses Act, 1847, had already required this in urban districts, and presumably it was only later when the benefits of civilisation in the shape of sewers and piped water supplies spread into rural districts that the need for such a provision was felt there and was met by a byelaw.

It may happen that byelaws are sometimes overtaken by general legislation, e.g., the litter byelaw mentioned above has now in practice been largely superseded, but not repealed, by the Litter Act, 1958. Further, since power was given by the Road Traffic Act, 1956, for cycling on footpaths to be prohibited by order made under the Road Traffic Acts, the Secretary of State is no longer prepared to confirm byelaws on the subject; nevertheless the old byelaws, which specified the particular paths to which they applied, remain in force though they no longer give a complete picture as some paths will now be dealt with by the old byelaws and some by orders under the Road Traffic Acts.

The making of byelaws

The procedure for making good rule and government byelaws is very simple. The authority pass a resolution authorising the sealing of the byelaws, notice of intention to apply for confirmation is published in the local press allowing thirty days for objections to be made, and the byelaw is submitted to the Secretary of State for confirmation. In practice the Home Office prepare model byelaws and it is normal for byelaws to be in the model form, thus producing uniformity throughout the country. An important distinction, however, between legislation by byelaw and the private Bill legislation to be examined later is that the validity of byelaws can be inquired into by the courts, who can declare them to be invalid if they are *ultra vires*, uncertain or unreasonable.

The disadvantages and advantages of legislation by byelaw

The total number of local authority byelaws in force in the country both under the 1933 Act and for specific purposes under other Acts is very considerable, and it may well be said that this type of legislation is unsatisfactory because (1) it creates a multiplicity of offences which vary from district to district so that it is not easy for the citizen to know where he stands, (2) the law produced is not readily available but must be inquired about at different county and town halls, (3) it is not up to date as some byelaws fall into disuse without repeal or are overtaken by general legislation covering the same subjects, the tendency being for new byelaws to be added to the old without any repeal of, or amendments to, the old being made, and (4) the subject-matter of most byelaws is of a national character, a fact which is strongly emphasised by the production by the Home Office of model byelaws to secure uniformity, and would be better dealt with by general legislation of which all could be aware. But the great advantage of legislation by byelaw is that it enables problems in a changing world to be dealt with with a speed which could never be hoped for if they had to be the subject of a public general Act, and to be dealt with first in those areas where they are most serious.

These disadvantages and advantages of legislation by byelaw, which are vividly illustrated by some of the examples given earlier, are also advanced against and for legislation by private Bill, though here the scale of everything is much larger.

Private Bill legislation

What then is the content of a private Bill? A Bill may be desirable to achieve some specific object, e.g., the construction of a harbour for which no adequate statutory powers exist, or it may seek new or additional powers of a general character for the good rule and government of the promoting authority's area, or it may indeed be a combination of the two. It is the various or general powers Bills, as they are commonly known, with which this article is concerned.

(To be continued) R. N. D. H.

OPPOSITION TO ADOPTION ORDERS

THE recent case of *Re C.S.C. (an infant)* [1960] 1 W.L.R. 304 ; p. 269, *ante*, clarifies a number of points under the Adoption Act, 1958, and also some under the Adoption (Juvenile Court) Rules, 1958. The facts of the case were briefly these. A local authority had placed an infant in the care of the proposed adopters and when the application was made for an adoption order the mother of the child originally gave her consent and then withdrew it. The justices had to decide whether to agree to dispense with this consent under s. 5 (1) of the Adoption Act, 1958. Under that section the court—

> " may dispense with any consent required by para. (*a*) of subs. (1) of s. 4 of this Act if it is satisfied that the person whose consent is to be dispensed with—
>
> (*a*) has abandoned, neglected or persistently ill-treated the infant ; or
>
> (*b*) cannot be found or is incapable of giving his consent or is withholding his consent unreasonably."

The ground for dispensing with consent in this case was that the consent was withheld unreasonably. It has been decided in similar cases that, if the justices have applied their minds to the proper considerations, the Divisional Court will not interfere with their finding (*L.* v. *M.* (1955), 120 J.P. 27). In the present case, however, the court felt that the justices in exercising their discretion had been wrong not to take into account the fact that the putative father was willing to marry the mother of the child and that as a result the child would have been legitimated under s. 1 (1) of the Legitimacy Act, 1959, repealing s. 1 (2) of the Legitimacy Act, 1926, despite the fact that at the time of birth the father or the mother (in this case the mother) was married to another person. The court did not decide the case on this ground nor did they decide the issue on the ground that the confidential report of the guardian ad litem of the infant to be appointed under r. 8 of the Adoption (Juvenile Court) Rules, 1959, and required by r. 9, had not been forwarded by the clerk to the justices. Roxburgh, J., treated this as an important requirement which " might even have been of itself enough to compel me to allow this appeal." This requirement can be compared with the provision in the Adoption of Children (County Court) Rules, 1949, by which a guardian ad litem was provided for an infant mother who was respondent to the proceedings.

Withholding of parental consent

It has been decided that the withholding by a parent of consent can only properly be held to be unreasonable in exceptional circumstances (*Re K. (an infant)* ; *Rogers* v. *Kuzmicz* [1952] 2 All E.R. 877) and the fact that the mother had withdrawn a consent which had previously been given by deed did not affect the decision (*Re F. (an infant)* [1957] 1 All E.R. 819). Where a parent is concerned, the relative affluence of the adopters is not a factor to be taken into consideration. But the Court of Appeal in *Re M. (an infant)* [1955] 3 W.L.R. 320, decided that the putative father of an illegitimate child for the purposes of the Adoption Act, 1950, had not the rights of a parent, although under s. 2 (4) of the Adoption Act, 1950 (now repealed), he had an interest if he was " liable by any order or agreement to contribute to the maintenance of the infant " ; but he was by no means in the position of the father of a legitimate child claiming as such to exercise his parental rights (*Hitchcock* v. *W.B. and F.E.B.* [1952] 2 All E.R. 119). In *Re D. (an infant)* [1958] 1 W.L.R. 197, the putative father, who was serving a life sentence for the murder of the mother of the infant, was held to have unreasonably withheld his consent to the adoption order on the grounds that his sister should have the care of the child. In such cases, as Parker, L.J., said " The primary consideration if not the only one must be the welfare of the infant."

Ratio decidendi in *Re C.S.C.*

The final point in *Re C.S.C.* which formed the *ratio decidendi* and went to the root of the matter was whether absence for three nights—two successive nights and one which had preceded them—within the period of three months was sufficient to break the terms of the provision of s. 3 (1) of the 1958 Act that—

> " An adoption order shall not be made in respect of any infant unless he has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order, not counting any time before the date which appears to the court to be the date on which the infant attained the age of six weeks."

Roxburgh, J., decided that the absence was sufficient, laying emphasis in his judgment on the fact that the child had been in

the exclusive care of the mother. His words at p. 309 of the judgment were as follows :—

"Where I cannot travel with counsel for the adoption is to say that a proposed adopter voluntarily parted with both the care and possession of the child for even one whole night within the three-month period, the requirement of the Act has not been broken. It seems to me that is the one thing that the policy of the Act intended to prevent and, if one finds, as I do, that the child was in the exclusive care and possession of the mother during the whole of the night and part of a day, that is not consistent with the words 'continuously in the care and possession'."

This form of absence is contrasted with the case of an infant who went to hospital for a night and the absence of a child from the adopters' premises in the daytime while he was at school. In a Scottish case, *G. Petitioner* [1955] S.L.T. (Sh. Ct.) 27, it was held that where the petitioner was the child's grandmother the continuity was satisfied where the child had lived with her but had been in hospital for more than three months preceding the date of the order. It seems, perhaps, difficult to understand why absence at a hospital (although involuntary) should be distinguished on the wording of the Act from absence involving temporary return to a mother's home.

A further difficulty arises under s. 35 (3) of the Adoption Act, 1958. As the application for the adoption order was refused by the court it was necessary under the section for the infant to be returned to the society or authority who had placed the child in the care of the prospective adopter irrespective of the fact that on a successful appeal the infant might have to be returned to the adopter.

R. P. C.

County Court Letter

NOTEWORTHY OCCASIONS

OBSERVANT visitors to our courts, and indeed to courts throughout the world, cannot fail to notice that the bench is universally higher than the floor of the court itself. The reason is, no doubt, the psychological one that we tend to regard with respect and admiration the person to whom we have to look up—indeed, the very phrase "looking up to" someone suggests this. Do we not remember those pre-war photographs of Mussolini taken, apparently, by an educated mole, that made a pint-sized Duce look like a colossus. Instinctively we regard the person who towers above us as someone superior to us, and not even the benefits of education or the tenets of democracy can entirely eradicate the idea.

As far as county court judges are concerned, this practice has the additional virtue that not even the tallest counsel can read what they are writing in their notes. Although in theory, at least, these can become public property in certain circumstances, there are almost certain to be some purely personal *aides-mémoires*, doodles, and even sketches of counsel and witnesses that remain the subject of absolute privilege. As far as the proceedings themselves are concerned, judge's notes vary from the virtually verbatim to the next to non-existent. This is itself of no moment so long as the case is finally determined in the court of first instance, but when there is an appeal the note becomes a matter of considerable importance.

Obviously the Court of Appeal wants to learn what happened in the court below, but at first sight one might think that so long as the information is there, its exact form is not very material. Not a bit of it. There are quite a number of rules to be complied with, and quite a formidable list of cases that have been decided on them.

Points of law

In the first place, if you wish to appeal on a point of law under s. 108 of the County Courts Act, 1959, you have to make up your mind quickly, because s. 112 states that you must at the time request the judge to make a note of the point of law in question, the facts in relation thereto, his decision thereon, and his determination of the proceedings. Any party can thereafter obtain a copy of this note on payment of the appropriate fee, but he has no statutory right to any other part of the judge's note. However, R.S.C., Ord. 58, r. 18 (5), provides that the appellant must furnish a copy of the county court judge's notes to the Court of Appeal, and this now means the whole note. It seems, therefore, that in practice the limitation to the right to obtain a full note of the trial disappears once notice of appeal has been given.

Though the request to the judge to make a note is a condition precedent to appealing, it sometimes happens that the note taken is incomplete or ambiguous. Ambiguity can be corrected by the judge subsequently to delivering judgment (*Lowery* v. *Walker* [1911] A.C. 10), and incompleteness can be rectified by the notes of counsel or solicitors in the case or by affidavit of the latter. Such material should be submitted to the judge for approval or comment before being sent to the Court of Appeal (*Hayman* v. *Rowlands* [1957] 1 All E.R. 321).

It happens occasionally that it is impossible to ask the judge to make a note, though it will doubtless be of little comfort to junior counsel to know that if a judge is misdirecting himself it is apparently his duty to interrupt (*Clifford* v. *Thames Ironworks Co.* [1898] 1 Q.B. 314). A much more comfortable course would seem to be to remain firmly frozen to one's seat till all is over, and then to apply for a new trial on the grounds of misdirection (Ord. 37, r. 1). Whatever reaction this may produce, there is at least an appeal from a refusal to grant it.

What! No equity?

There are two points of particular interest about s. 112 (1) (*a*) of the County Courts Act, 1959. In the first place, as previously mentioned, it says that the judge shall, at the request of either party, make a note of any question of law raised at the hearing, and it means just that. A point of law not raised at the hearing cannot be pleaded on appeal by the appellant (*Smith* v. *Baker & Sons* [1891] A.C. 325), though it can be by the respondent (*Simpson* v. *Crowle* [1921] 3 K.B. 243). It is, by the way, for the person asking for the note to be taken to formulate the point of law concerned.

The other interesting fact is that the subsection, which replaces s. 108 (1) (*a*) of the 1934 Act, omits the words "or equity" after "the question of law." The exact significance of this is perhaps a little obscure, but with great respect it is submitted that the words may have been left out as being no longer of any real force. It seems impossibly inequitable that it could be successfully contended that there is no longer a right of appeal in matters of equity.

Section 113 of the 1959 Act gives the Court of Appeal wide powers to order a new trial, order judgment to be entered for either party, or make any other order to ensure the proper determination of the issue between the parties. It can make a finding of fact when the appeal is only on a question of law, or vice versa, provided that the point is one on which the party affected could have appealed. Even the death of the respondent does not put an end to the proceedings, which can be continued against his personal representative (*Hemming* v. *Williams* (1871), L.R. 6 C.P. 480). The appeal procedure is governed by R.S.C., Ord. 58, and, being purely a matter for the Court of Appeal, is outside the scope of this article. It is, however, perhaps worth noting that security for costs may be ordered and that, once initiated, an appeal cannot be withdrawn, even by consent, without leave of the court.

Low cunning

Counsel leading evidence can often be seen watching the judge writing so that some pearl of testimony is not lost because his honour is still struggling with the last bit. He is sometimes able to see in which direction his questioning should proceed by the length, or shortness, of the notes taken. Undoubtedly it would often be of the greatest help to him to see exactly what was being written, and it is for that reason if for none other that it is desirable for the bench to be raised well above the floor of the court. In some of our deeper country courts, however, it is, or was, the occasional practice for the registrar to hear cases in such unsuitable surroundings as the robing room, since no court was available for him. There, separated from counsel and litigants by nothing more than, at best, a table, his note could be overlooked by anyone with the ability to read upside down—no difficult feat.

There is a highly improbable story that on one occasion, a registrar, deputising for another and fed up with the bad conditions under which he was expected to adjudicate, decided to make the most of the situation. As counsel began his opening he made the note "Plaintiff's counsel opens." He then sat back and put down his pen. Some five minutes later, he picked it up again and wrote "at great length," and put it down again.

Counsel hastily called his first witness, and the trial proceeded fairly normally, apart from the fact that someone had to borrow a testament from the judge's court every time a witness was sworn, until the defendant had given his evidence and had been cross-examined at length. There being no other witnesses, the registrar wrote very clearly and slowly "I believe the plaintiff". He then paused, and asked counsel if he wanted to address him. Counsel, having seen what was written, said he did not.

"Very well," said the registrar, continuing his note. "I believe the plaintiff has been trying to mislead the court. Judgment for the defendant"; and bowing with grave courtesy to the flabbergasted junior, he retired with great dignity to the car park.

J. K. H.

THE DISTRESS FOR RATES ACT, 1960

THIS statute is another of the consolidating measures that has come on the statute book in recent years under the procedure of the Consolidation of Enactments (Procedure) Act, 1949; in this instance the measure is particularly welcome as it repeals and re-enacts in modern language a number of ancient statutes, and, moreover, completes its work in a mere sixteen sections and a Schedule of prescribed forms (which in themselves are particularly useful, as they replace forms contained in the Distress for Rates Act, 1849, a time when Parliament was less sparing of words than is the case to-day).

The Act came into force on 1st April, 1960, but it does not apply to any proceedings (whenever commenced) taken in respect of any rate made before that date (s. 16 (3)). (A rate is *made* when it is approved by the local authority: Rating and Valuation Act, 1925, s. 6 (1).)

The statute is severely restricted in its scope, being confined to proceedings by way of distress; rates are not, and never have been, recoverable by ordinary action (*Liverpool Corporation* v. *Hope* [1938] 1 K.B. 751), although arrears of rates are a debt which can support a petition in bankruptcy (*Re McGreavey; ex parte McGreavey* v. *Benfleet Urban District Council* [1950] Ch. 269). These general principles are left unaffected by the new Act, s. 1 of which provides that, if any person fails to pay any sum legally assessed on and due from him in respect of a rate for seven days after it has been legally demanded of him, the payment of that sum may be enforced by distress and sale of his goods and chattels under warrant issued by a magistrates' court. There are several points worth noting in practice on this section as follows.

(1) The "rate" referred to is the "general rate" (s. 13 (1)), which presumably is a reference to the consolidated rate referred to in ss. 2 (1) and 68 (1) of the Rating and Valuation Act, 1925.

(2) The rate in question must have been legally assessed on or due from the person charged. This means, it would seem, that the rating authority must be prepared to prove the making of the rate (by producing a copy of the authority's resolution, authenticated under seal); its publication within seven days in one or other of the methods provided for in s. 6 of the Rating and Valuation Act, 1925, will then be assumed (Poor Rate Assessment and Collection Act, 1869, s. 18).

(3) The rating authority must also show that a demand note had been duly served on the party charged, that that note in itself was in order, in that it complied with the Rate-demands Rules, 1958 (S.I. 1958 No. 2198), and that the proceedings were not commenced until at least seven days had expired from the date of service. In practice, of course, no local authority will, except in most unusual circumstances where it is known that the ratepayer does not intend to pay the rate, commence proceedings anything like as early as seven days from the service of the demand note.

(4) The above is all the rating authority are obliged to prove in proceedings brought by them before a magistrates' court to obtain a distress warrant, but the ratepayer may raise a number of defences, to the effect that the rate has been satisfied, that the person summoned was not a beneficial occupier, or that proceedings should have been taken against the owner and not the occupier (Rating and Valuation Act, 1925, s. 11).

Procedure to obtain a distress warrant

In order to obtain a distress warrant, the rating authority must first make a complaint before a justice of the peace, in the form set out in the Schedule to the 1960 Act, and apply for a summons; the latter also will follow the form set out in the Schedule. If the ratepayer fails to attend, the magistrates may proceed in his absence and issue a warrant, provided it has been proved on oath (or in some other manner to be prescribed) that the summons was duly served a reasonable time before the hearing (1960 Act, s. 2 (3)).

At the hearing, the magistrates may or may not issue a distress warrant; it is also made clear that on such proceedings they may state a case for the opinion of the High Court on a point of law (ibid., s. 3). The distress warrant, when issued in the prescribed form (one warrant may be issued for any number of persons in default: s. 4 (4)), empowers the rating authority, or any local police constable, to execute the warrant by distress and sale of the goods and chattels of the person charged; added to the amount of the rates due in respect of which the warrant is issued may be a sum by way of charges computed in accordance with the Distress for Rates Order, 1956 (S.I. 1956 No. 1403), made under the predecessor of s. 6 (1) of the new Act). The court may in addition to such charges also add to the sum in respect of which the warrant issues a sum by way of costs incurred in obtaining the warrant (s. 5).

Warrant of commitment

If the rating authority or other person charged with the execution of a distress warrant makes a return to the magistrates' court that he could find no goods or chattels, or insufficient goods or chattels, on which to execute the distress, the court may issue a warrant of commitment against the person who has been rated, and this warrant may cover also the costs of obtaining the distress warrant, the charges attending the distress, and the costs of commitment (s. 8 (5)). Before such a warrant is issued, however, the court must make inquiry in the defaulter's presence as to whether his failure to pay the sum due was due either to "his wilful refusal or to his culpable neglect." If the court is of the opinion that the defaulter's failure to pay was not due to his wilful refusal or culpable neglect, they may not issue a warrant of commitment, and they may remit the payment (or any part thereof): s. 8 (2). In order that a defaulter may be brought before the court for the purposes of making such an inquiry, a single justice may issue a summons requiring him to appear, and if he fails to do so, a justice may issue a warrant for his arrest (s. 9 (1)).

If a warrant of commitment is issued, the form in the Schedule to the Act must be used, and it will order the defaulter to be imprisoned for a time therein specified, not exceeding three months, unless the sums stated in the warrant shall have been sooner paid; if parts of the sums are paid, the period of imprisonment ordered will abate accordingly (see s. 7 (4)).

Tendering of sum due

At any time after proceedings have been taken under the Act to compel payment of rates due, the rating authority must accept the sum sought to be recovered plus all costs and charges, whenever the same is tendered to them, except where the defaulter has been imprisoned (payment must then be effected in accordance with r. 45 of the Magistrates' Courts Rules, 1952). If the ratepayer tenders part of the sum due in court before a distress warrant has been issued, it seems to be a matter for the discretion of the magistrates as to whether they will issue a warrant for the whole of the sum due or for the balance outstanding only (see *R.* v. *Gillespie* [1904] 1 K.B. 174, from which it seems that the rating authority would be ill-advised to refuse to accept part-payment when so tendered). It should be remembered that an offer of payment by cheque or negotiable instrument is not legal tender (*Re Steam Stoker Co.* (1875), L.R. 19 Eq. 416), and therefore such method of payment should not be accepted in these circumstances.

The Act concludes with a section prescribing alternative methods by which service of a summons authorised to be served thereunder may be effected (s. 12), and also the usual apparatus of repeals, savings, short title and extent, etc. There is also a special section relating to rates levied in the City of London (s. 14). The four forms set out in the Schedule are a complaint for non-payment of rate, distress warrants against a single person and against several ratepayers (this, incidentally, seems an odd expression to use in this context as, *ex hypothesi*, the person against whom the warrant issues is not a rate*payer*), and a warrant of commitment in default of distress. The general law of distress—the provisions protecting certain goods from distress, etc.—is not affected by the Act (see s. 4 (2)), and it is also provided that a distress under the Act is not to be deemed unlawful on account of any defect or want of form in the rate, the assessment or the distress warrant, and no person making a distress may be deemed to be a trespasser on that account (s. 4 (6)).

J. F. Garner.

"THE SOLICITORS' JOURNAL," 14th APRIL, 1860

On the 14th April, 1860, The Solicitors' Journal discussed the state of the Probate Registry. An Act of Parliament had provided that "the widely scattered wills were to be gathered into the principal registries and copies of every will in the country were to be forwarded . . . to the principal storehouse at Doctors' Commons. The great public benefit of this is obvious, and when decreed by the omnipotence of an Act of Parliament, backed by the persuasive . . . inducements of a well filled Treasury, it seems a very easy task. Moreover, economy added its charms . . . Whenever the work was done the district registrars were to be put on stated salaries instead of fees; by which it is said a saving of £20,000 a year would be effected. Surely this last is a sufficient staff in the hands of an honest worker. Which of us would shrink from undertaking to find room not only for all the wills, but . . . for all the records in the country, if he had only 25 years' grant of £20,000 per annum made to him? Yet it seems to be thought necessary to take from the year 1858, when the Act was passed, to the present time before . . . any definite comprehensive plan is adopted. The mischief is growing daily . . . for not only does it concern the wills, but also the records of the Divorce Court, which are by statute entrusted to the very same registry . . . By an Act passed in the last session the Metropolitan Board of Works was . . . directed to acquire sufficient property whereon to enlarge the present registry and a sum of £70,000 has been voted . . . for the same purpose. Whence then is the delay? According to Dr. Bayford, the senior registrar, there is at present but one strong room, when four more at least are needed . . . For reading a will access is granted to a small room about nine feet by eleven feet in which there are already four or five clerks. In the outer office, where the searches are made, there is actually a seat for one person! Such a state of things would be a disgrace to any private firm of solicitors who have to struggle in the face of frequent changes and inadequate remuneration; but in officials with a nation's purse to draw upon it becomes intolerable and calls aloud for remedy."

Landlord and Tenant Notebook

INFERENCES FROM PAYMENT OF RENT

In *Isaac* v. *Hotel de Paris, Ltd.* [1960] 1 W.L.R. 239 (P.C.); p. 230, *ante*, the circumstances in which the respondents had let the appellant into possession of premises on which he ran a night bar were held to be such as to negative the creation of a tenancy. This issue, the major one, was discussed in the "Notebook" on 25th March (p. 295). The principle applied was that expressed by Lord Greene, M.R., in *Booker* v. *Palmer* [1942] 2 All E.R. 674 (C.A.), in these terms: "There is one golden rule of very general application, namely, that the law does not impute intention to enter into legal relationships where the circumstances and the conduct of the parties negative any intention of the kind."

This principle was applied to another question which arose. The appellant was held to have become a licensee and to have remained such until a seven days' notice given on 7th or 8th May, 1956, had expired; but after that expiry he continued to pay, and the appellants continued to accept, without acknowledging them, monthly payments which he characterised as "rent," and so continued after judgment for possession had been given against him by the Supreme Court of Trinidad and Tobago and had been upheld by the Federal Supreme Court. No new notice had been given him, so that at first sight it might well seem that if there were no question of any tenancy, a new licence had been brought into being. The Privy Council held that it had not: the acceptance of the payments did not, in the circumstances, evince any intention to waive the right to immediate possession. The appellant, Lord Denning said, was, after 15th May, 1956, "*in a sense* still a licensee," but he "was not in such a privileged position that he could demand or expect yet another notice before being turned out. He was there *at sufferance* liable to be turned out whenever the respondent company thought fit to execute its right to do so; just as in the old days a tenant by sufferance was."

The principle is the same, and in this article I discuss the question of circumstances in which "rent" has been paid and accepted having been held not to prevent one of the parties from resisting the inference that a tenancy has been created.

Rent Act cases

Counsel for the appellant in *Isaac* v. *Hotel de Paris, Ltd.*, conceded that where rent restriction legislation affected the position, the inference could more easily be resisted.

The leading case is that of *Davies* v. *Bristow*; *Penrhos College, Ltd.* v. *Butler* [1920] 3 K.B. 428, in which it was pointed out that a tenant who resists a demand for possession in reliance upon a statutory tenancy is obliged to pay rent, so the landlord could not prejudice his position by accepting the payments. (Also that in *Hartell* v. *Blackler* [1920] 2 K.B. 161, the court had gone wrong when it applied decisions relating to waiver of forfeiture to such a position; when a notice to quit expires, there is no room for election: the parties may or may not agree to a creation of a new tenancy.)

Other cases

But, Lord Denning said, there were "many cases in the books where exclusive possession has been given of premises outside the Rent Restriction Acts and yet there has been held to be no tenancy": after mentioning two in which there had been no payment of rent, he cited one in which there had, namely, *Clarke* v. *Grant* [1950] 1 K.B. 104 (C.A.). In that case, under a yearly tenancy, rent was payable monthly in advance; a notice to quit had expired, and the tenants soon after paid the landlord's agent the equivalent of a month's rent; he accepted it in the mistaken belief that it was rent in arrear for the last month of the expired tenancy; it was held, in Lord Goddard, C.J.'s words: "It is impossible to find that the parties here intended that there should be a new tenancy. The landlord was all the time desiring to have possession of the premises: that is why he had given his notice to quit. The mere mistake of his agent in accepting as rent which had already accrued rent which was in fact payable, if it was payable at all, in advance, cannot be used to establish that the landlord was agreeing to a new tenancy."

The golden rule

Lord Greene, M.R.'s golden rule has, indeed, been known to have applied long before rent restriction was known. It seems to have been particularly active in the 1820's: there was *Fenner* v. *Duplock* (1824), 2 Bing. 10, a replevin action, in which the explanation was ignorance, the tenant not having known that his landlord's title had expired and it not being clear who his landlord was, and Best, C.J., said: "Payment of rent may be evidence of an attornment; but before deciding whether an attornment has taken place, we must look at all the circumstances and see whether they do not rebut the presumption"; six months later there was *Doe d. Harvey* v. *Francis* (1837), 2 Mood. & R. 57, in which the alleged tenant denied the relationship and put forward that he had paid rent to the claimant mistaking his identity, and Patteson, J., held that where a tenancy is attempted to be established by mere evidence of payment of rent, without proof of an actual demise, or of the tenant being let into possession by the person to whom the payment was made, evidence is always admissible on the part of the tenant to explain the payment of rent, and to show on whose behalf such rent was received (the defendant was, in fact, found to have taken the premises from the claimant); and in *Strahan* v. *Smith* (1827), 4 Bing. 91, we had Best, C.J., again laying down that there mere payment of rent will not of itself constitute a tenancy.

Comment

Without denying the validity of the "golden rule," I suggest that it has never before been applied where there was no mistake as to term or ignorance of identity and in which the payer specifically characterised the payments, indicating what his intention was. Nothing seems to have been said in *Isaac* v. *Hotel de Paris, Ltd.*, about another rule, perhaps equally deserving of the status of golden: *solvitur in modo solventis*. If the appellant had accompanied each payment not only with a statement that it was rent but also with a statement that the respondents were not to touch it unless they accepted it as such, it may be doubted whether their golden silence would have left room for the operation of the golden rule (see, as to acceptance and silence, *Kitchin* v. *Hawkins* (1866), L.R. 2 C.P. 22). Though he was found never to have been a tenant at all, and held to have occupied, after determination of the licence "at sufferance liable to be turned out whenever the respondent company saw fit to exercise its right to do so," and though, on Lord Denning's analogy with a tenancy at sufferance, he could be considered liable for use and occupation (*Leigh* v. *Dickeson* (1884), 15 Q.B.D. 60 (C.A.)), the golden rule refers to the parties in the plural.

R. B.

HERE AND THERE

WHO'S NEXT?

You do not have to read the newspapers very attentively to become aware of the curiously concentrated interest currently taken in prisons—conditions in prisons, escapes from prisons, the varieties of prisons, and the uses and abuses of prisons. Perhaps this is natural. Formerly the gaol-bird was a highly individual species in social ornithology, but now which of us is confident that he will not be transformed quite suddenly into a bird of that feather? Motoring offences, tax offences, a breach of some esoteric Government regulation and the thing is done. So many of our fellow citizens annually acquire this particular sort of "inside" knowledge that it is now counted rather as a social experience than a social stigma. It is estimated that they are going to cost £16,295,012 in 1960–61 (an increase of over £2m. on the previous year) and there are 30,330 of them (says the estimating statistician) to provide for. Who knows that you or I will not be the one to make it 30,331? That would (statistically) cost the taxpayer another £538 in 1960–61. Small wonder, then, that people are concerning themselves with conditions which they may well be called upon to experience in person.

WHAT'S THE REMEDY?

THERE is a remarkable lack of unanimity about what is best to be done with your prisoner once you have caught him. At some time or another everything has been tried from the gallows and the lash and solitary confinement to something not very far removed from tender loving-kindness. You can treat your prisoner as a sort of wild beast who must be killed or caged for as long as possible. You may try to cow him by fear or reform him by training or regenerate him by appeals to his better nature. Each method has its vocal advocates. The odd thing is that each group of advocates seems to regard its own particular method as the one and only panacea superseding all others. But the infinite varieties of human nature give scope for an infinite variety of penal treatment. There is no such thing as a panacea for prisoners any more than there is one universal panacea in medicine. Besides, the prisoner himself is seen differently by different penal reformers. Is he only a highly developed animal, a bundle of instincts and reflexes? On a biochemical phenomenon with no responsibility for his actions? Or a personality who can choose by reason and act by will?

DETERRENT EFFECTS

AMONG penal reformers there is an endless wrangle about the deterrent effectiveness of capital punishment and corporal punishment, and severity generally. One sometimes wonders where the disputants have been to school. In the light of that microcosm all sorts of problems are clarified. Between the wars I myself attended a school where corporal punishment had an established place in the system of discipline. It was administered on the hands with a long black object which looked and felt rather like the sole of an elongated shoe. The minimum sentence was three strokes, the maximum twenty-four. And, though I occasionally lapsed, I know perfectly well that I *was* deterred from all sorts of laziness and mischief by this threat with an effectiveness which no other punishment could have achieved. I know also that there were tough, sullen characters who appeared to be utterly impervious to it. The conclusion is surely that, if it deterred some, why, it achieved some good purpose and justified itself accordingly. I would agree with alacrity and enthusiasm that force is the wise man's last resort, that conversion, persuasion and personal inspiration effect far the best and most lasting reforms. But such influences cannot be conjured up at will in every place, and, when they are not available, you must be content with the methods that are ready even if they are rough. And what of the counterparts of the tough, sullen, impervious characters of my school days? You cannot ultimately "expel" them as you could in the days of transportation, so, unless you are prepared to hand over society to them, society must retain the power of saying: "Look, if you remain obstinate in brutality and violence and fraud, the most radically unpleasant things will happen to you. The choice is yours. It is cause and effect. If you choose to behave like a dangerous animal, you will be treated as a dangerous animal, if necessary for life."

PICK YOUR TREATMENT

DOES that sound too ruthless? The important thing is never to say it to those who may respond to other influences. By all means let Yehudi Menuhin play in Wandsworth Gaol. By all means let kind ladies in Devon join a cast of Dartmoor prisoners in a play. ("They were all most gentlemanly," said one of the ladies.) I am not prima facie shocked at the courting which is said to have gone on in Durham Gaol when thirty girls in one block managed to get into correspondence with seventy men in the next, whom they had seen at church service. "I was Cupid for the lovers behind bars," the lady who ran the secret letter system recently told a daily newspaper. Well, "love's the most generous passion of the mind." And it seems that the discharged prisoners have established a "put you on your feet" service to help couples who want to marry and find them a temporary home. A lot of harm is done by being dogmatic and exclusive about your pet penal remedy. It confuses the issue. There is room for the widest range of kindness and harshness. The problem is far less what you may do to prisoners in general than whom you do it to in fact.

RICHARD ROE.

NEW QUEEN'S COUNSEL

The following persons have recently been appointed Queen's Counsel: Professor Harold Greville Hanbury, D.C.L., Mr. Charles Arthur Settle, Sir George Phillips Coldstream, K.C.B., Mr. Patrick Reginald Evelyn Browne, O.B.E., T.D., Mr. Hugh Elvet Francis, Mr. John Frederick Eustace Stephenson, Mr. Vivian Percy Michael Joseph O'Connell Stranders, Mr. Edward Clarke, Mr. Norman John Lee Brodrick, Mr. Hugh Eames Park, Mr. Samuel Burgess Ridgway Cooke, Mr. William Donald Massey Sumner, O.B.E., Mr. Arthur Evan James, Mr. Ralph Vincent Cusack, Mr. Patrick McCarthy O'Connor, Mrs. Elizabeth Kathleen Lane, Mr. George Kenneth Mynett, Mr. Harry Sibson Leslie Rigg, Mr. Henry Arthur Pears Fisher, Mr. Edward Lucas Gardner, Mr. Hubert Holmes Monroe, and Mr. Hugh Emlyn Hooson.

BUDGET RESOLUTIONS

The Ways and Means Committee of the House of Commons passed, *inter alia*, the following resolutions on 4th April after the announcement of the Budget proposals :—

Tobacco (customs and excise)

That—

(*a*) as from 5th April, 1960, the duties of customs and excise chargeable on tobacco under s. 3 of the Finance Act, 1947, shall be charged at rates increased by adding 3s. 4d. per £ to each of the existing rates, that is, those set out in Pt. I or Pt. II of Sched. I to the Finance Act, 1956 ;

(*b*) as respects tobacco on which there have been paid duties of customs or excise at the said increased rates drawback shall be allowed at rates increased by adding the like amount to the rates set out in Pt. III of the said Sched. I.

And it is hereby declared that it is expedient in the public interest that this resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act, 1913.

Entertainments duty

That entertainments duty shall not be chargeable in the case of entertainments given after such date as may be specified in any Act of the present session relating to finance, and that duty chargeable in the case of entertainments given after 9th April, 1960, shall be discharged or repaid.

Wines (customs)

That, as from 5th April, 1960, the duties of customs on wines under s. 4 of the Finance Act, 1958, shall be charged as if in Sched. III to that Act for each of the rates per gallon, other than the rates for still light wines not in bottle and the rates of additional duty in the case of wine exceeding forty-two degrees proof spirit, there were substituted a rate less by 12s., and for each of the rates per gallon of additional duty there were substituted a rate less by 1s.

And it is hereby declared that it is expedient in the public interest that this resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act, 1913.

Sweets (excise)

That, as from 5th April, 1960, the duty of excise chargeable on sweets shall be charged at the rate of 10s. 6d. per gallon in the case of still sweets, and 16s. 6d. per gallon in the case of sparkling sweets.

And it is hereby declared that it is expedient in the public interest that this resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act, 1913.

Tobacco dealers' licences (excise)

That the duty on licences under s. 187 of the Customs and Excise Act, 1952, shall be increased to £1 (without any reduction or allowance), the duration of the licences being extended so that they expire at the end of the third calendar year after the year in which they are granted, and licences for the sale of intoxicating liquor in passenger aircraft and vessels shall not authorise the sale of tobacco.

Mechanical lighters (customs and excise)

That, as from 4th August, 1960, a mechanical lighter shall be defined for the purposes of the customs and excise duties as any portable contrivance intended to provide a means of ignition, whether by spark or flame or otherwise, being a mechanical, chemical, electrical or similar contrivance.

Hydrocarbon oils (rebate)

That rebate on oils may be withheld unless they contain markers and colouring substances.

Vehicles excise (hackney carriages)

That mechanically propelled vehicles let on hire by a person carrying on a trade of selling such vehicles or letting them on hire shall, unless let under a hire-purchase agreement, be treated as hackney carriages for the purposes of the Vehicles (Excise) Act, 1949, irrespective of the period of hire.

Purchase tax (reliefs)

That it is expedient to provide for relief from purchase tax chargeable in respect of articles to be used as exhibits or specimens in a gallery, museum or similar institution, or chargeable on the importation—

(*a*) of goods as respects which it appears to the Treasury that relief from purchase tax is necessary or expedient with a view to conforming with an international agreement ;

(*b*) of such articles as are mentioned in para. 2 or 3 of Sched. IV to the Import Duties Act, 1958 ; or

(*c*) of goods as to which the Treasury are satisfied that it is intended to re-export them or goods incorporating them or manufactured or produced from them,

and to provide for matters supplemental to the said relief.

Income tax (charge and rate for 1960–61)

That income tax for the year 1960–61 shall be charged at the standard rate of 7s. 9d. in the £, and, in the case of an individual whose total income exceeds £2,000, at such higher rates in respect of the excess as Parliament may hereafter determine.

And it is hereby declared that it is expedient in the public interest that this resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act, 1913.

Income tax (personal reliefs)

That—

(*a*) in ss. 214, 215, 216 and 218 of the Income Tax Act, 1952 (housekeepers, dependent relatives and others), £75 shall be substituted for £60 throughout, and correspondingly £210 shall be substituted for £195 in s. 216 ;

(*b*) if a widow or widower, or any other person who is not entitled for the year of assessment to the higher (married persons) relief under subs. (1) of s. 210 of that Act, and, in the case of a woman, is throughout the year in full-time employment or engaged full-time in some trade, profession or vocation or totally incapacitated by physical or mental infirmity, proves in the case of that year—

(i) that he is entitled to relief under s. 212 of that Act in respect of a child resident with him, but

(ii) that he is not entitled to any relief under the said ss. 214, 215 or 218, and either that no other individual is entitled to such relief in respect of the charge and care of that child or that his claim has been relinquished,

he shall be entitled to a deduction from the income tax with which he is chargeable equal to tax at the standard rate on £40, the said deduction being however apportionable where more than one individual is entitled to a deduction in connection with the same child and subss. (4) and (5) of the said s. 218 applying to the apportionment,

but this resolution shall not require any change in the amounts deducted or repaid under s. 157 (pay as you earn) of the Income Tax Act, 1952, before 22nd June, 1960.

And it is hereby declared that it is expedient in the public interest that this resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act, 1913.

Income tax (tax-free payments under pre-war provisions)

That as respects payments falling to be made in 1960–61 or any subsequent year of assessment the appropriate fraction for the purposes of s. 486 of the Income Tax Act, 1952, shall be the fraction of which the numerator is the difference between 20s. in the £ and the standard rate of income tax for the year and the denominator is 14s. 6d. in the £.

Income tax (National Insurance contributions)

That further provision be made with respect to relief from income tax in respect of contributions under the National Insurance Acts.

Income tax (losses, and capital allowances for agriculture and forestry)

That—

(*a*) the availability of losses for relief against tax on other income, and of capital allowances, primarily available against

agricultural or forestry income, for deduction from other income, and the operation of s. 20 of the Finance Act, 1953 (subvention payments), shall be restricted by reference to whether the occupation of land or carrying on of a trade is on a commercial basis and by reference to expectation of profit;

(*b*) s. 142 of the Income Tax Act, 1952 (setting off losses of one trade against profits of another), shall cease to have effect.

Income tax (*modifications of tax law to deal with certain kinds of transaction*)

That, to deal with certain kinds of transaction in securities (including stocks and shares) or in the assets of companies, or by way of payments or loans to a company, and with the liquidation of companies in certain cases, provision be made for charging income tax which would not otherwise be chargeable, and for withholding relief from tax or requiring the repayment of sums paid by way of relief.

Income tax (*trades, professions and vocations*)

That provision be made as follows with respect to the charge to income tax in respect of trades, professions and vocations, that is to say—

(*a*) for including in the profits or gains chargeable to tax any sums released in respect of debts deducted in computing for tax purposes the profits or gains of a trade, profession or vocation;

(*b*) for imposing any charge to tax in respect of profits or gains (including such sums as are referred to in the foregoing paragraph) arising from a trade, profession or vocation which accrue after the trade, profession or vocation has been or is treated for tax purposes as having been discontinued;

(*c*) for amending the law with respect to the valuation for tax purposes of work in progress in cases where a trade, profession or vocation is discontinued or is treated for tax purposes as discontinued.

Income tax (*compensation for loss of office*)

That provision be made for charging to income tax money or money's worth not otherwise chargeable to tax which is paid or given in consideration of, or otherwise directly or indirectly in consequence of or in connection with, the loss, resignation or termination of an office or employment or an alteration of the functions or remuneration of an office or employment.

Unit trusts (*income tax and profits tax*)

That for the purposes of income tax and the profits tax authorised unit trust schemes shall be assimilated to investment companies and the rights of unit holders to shares in investment companies, and that provision shall be made for determining in the case of authorised unit trust schemes the persons by whom either tax is to be payable as on income of an investment company and for treating certain amounts as dividends on shares belonging to the unit holders.

Penalties and assessments (*income tax and profits tax*)

That new provision shall be made for charging tax in connection with failures to give due information or produce evidence as to matters concerning income tax or the profits tax (including tax for past years of assessment or chargeable accounting periods) and in connection with incorrect or incomplete statements as to such matters.

Income tax (*public departments*)

That the following provisions shall have, and be deemed always to have had, effect for all purposes, including all the purposes of legal proceedings instituted before the date of this resolution, that is to say—

(*a*) all the provisions of the Income Tax Acts relating to the assessment, charge, deduction and payment of income tax shall apply in relation to public offices and departments of the Crown, but not so as to require the payment by any such office or department of any tax which would be ultimately borne by the Crown;

(*b*) any reference in the said Acts to a payment as being not payable or not wholly payable out of profits or gains brought into charge to tax shall be construed as a reference to it as being payable wholly or in part out of a source other than such profits or gains;

(*c*) there shall be excluded from para. (*a*) public offices and departments of any country, state, province or colony specified in subs. (2) of s. 461 of the Income Tax Act, 1952, but where premises are let to any such excluded office or department, tax to be charged under Sched. A in respect of the premises shall be charged on and paid by the landlord by reference to the rent, any deduction from rent in respect of tax made before 6th April, 1960, being treated as lawfully made and as exonerating the landlord;

(*d*) nothing in this resolution shall affect the operation of s. 25 of the Finance Act, 1925 (liability of Governments of parts of Her Majesty's dominions to taxation in respect of trading operations).

And it is hereby declared that it is expedient in the public interest that this resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act, 1913.

Profits tax (*increase of rate*)

That as from the beginning of April, 1960, the rate of the profits tax shall be increased from 10 per cent. to 12½ per cent.

Incidental and consequential charges (*income tax, the profits tax and estate duty*)

That for the purposes of any Act of the present session relating to finance it is expedient to authorise—

(*a*) any incidental charge to income tax which may arise from provisions extending (as respects 1959–60 and subsequent years) the relief for retirement annuity premiums;

(*b*) any incidental charge to income tax or estate duty which may arise from provisions as to the treatment for tax or duty purposes of persons connected with any international headquarters established under the North Atlantic Treaty or with any visiting force;

(*c*) any charge to the profits tax resulting from amendments of the law relating to income tax authorised by any resolution of the Committee of Ways and Means passed in the present session;

(*d*) any incidental charge to estate duty which may arise from provisions reducing the value of property for duty purposes where a specified part of a five-year period has elapsed before the death or from amendments relating to the valuation for duty purposes of shares in or debentures of companies to which s. 55 of the Finance Act, 1940, applies.

OBITUARY

Mr. PHILIP ST. JOHN CARRINGTON, solicitor, and Magistrates' Clerk, Barnsley, for the past twenty-nine years, died on 29th March, aged 58. He was admitted in 1924.

Captain THEODORE HANNAM-CLARK, solicitor, of Gloucester, died on 7th April, aged 77. He was admitted in 1905.

Mr. JOHN CHRISTOPHER PEARCE HIGGINS, M.A., LL.B., solicitor, of Newcastle, died on 4th April, aged 46. He was admitted in 1943.

Mr. KENNETH CHARLES HORTON, solicitor, of Ilkeston, died on 26th March, aged 67. He was admitted in 1920.

Mr. ALBERT HORACE PILBROW, solicitor, of Hartfield, Sussex, died recently, aged 76. He was admitted in 1908.

Mr. JOHN MARSDEN RIGBY, solicitor, of Birkenhead, died on 7th April, aged 78. He was admitted in 1917.

Mr. ROYDEN NEALE SHERWELL, solicitor, of Portsmouth, and coroner for South-East Hampshire, died suddenly on 25th March, aged 57. He was admitted in 1924. Recently, Mr. Sherwell became chairman of the Portsmouth section of the Southampton Area Legal Aid Committee of The Law Society.

Mr. HERBERT GEORGE TRANFIELD, managing clerk with Messrs. Lewis & Lewis and Gisborne & Co., solicitors, of London, E.C.1, for fifty-seven years, died on 26th March, aged 78.

NOTES OF CASES

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Judicial Committee of the Privy Council

ROMAN-DUTCH LAW: *EXCEPTIO REI VENDITAE ET TRADITAE:* APPLICATION

Perera *v.* Perera

Viscount Simonds, Lord Tucker, Lord Jenkins, Lord Morris of Borth-y-Gest, and the Rt. Hon. L.M.D. de Silva.

8th March, 1960

Appeal from the Supreme Court of Ceylon.

J. Perera, the appellant's husband, was in financial difficulties and his property was under seizure in several cases, in one of which judgment had been entered for Rs. 1,000 on a promissory note. Pursuant to an agreement with his uncle, one Lewis, to assist him to settle his debts and so prevent his property from being sold in execution, he sold the property, worth about Rs. 30,000, to his uncle for Rs. 16,000—the amount of his debts—subject to his right to repurchase it for the same amount within five years. The conveyance of 17th April, 1950, stated that the property was free from any incumbrance. The purchase price of Rs. 16,000 was paid to J. Perera's creditors. On the death of the uncle on 28th August, 1950, the property passed to his daughter, Mrs. Flora Perera, the second respondent, and J. Perera recognised her as the new owner. Owing, apparently, to inadvertence, J. Perera had omitted to include in the statement to his uncle of his debts the Rs. 1,000 judgment on the promissory note, under which at the time a notice of seizure under s. 237 (1) of the Ceylon Civil Procedure Code had been served on him and registered. In pursuance of the seizure his property was put up for sale and purchased by one Thiagarajah in February, 1951, for Rs. 250. A few days after Thiagarajah had obtained a Fiscal's transfer on the sale in execution he sold the property to the appellant for Rs. 3,000. In July, 1951, the appellant, who was found to be a nominee of her husband, instituted the present suit against, *inter alios*, the second respondent, for a declaration of title to the property. The District Judge in Colombo gave judgment for the appellant, but his decision was reversed by the Supreme Court of Ceylon on 21st February, 1956, which dismissed the action. The appellant appealed.

The Rt. Hon. L.M.D. de Silva, giving the judgment, said that although the title passed through the execution proceedings in the first instance to the appellant, the benefit of that title passed immediately thereon to the uncle's devisee, the second respondent, under the Roman-Dutch law doctrine of the *exceptio rei venditæ et traditæ*. Section 238 of the Civil Procedure Code provided: "When a seizure of immovable property is effected under a writ of execution . . . and notice of the seizure is registered . . . any sale . . . made after the seizure and registration of the notice of seizure . . . is void as against a purchaser from the Fiscal selling under the writ of execution and as against all persons deriving title under or through the purchaser." The words "all persons" in that section did not include the judgment debtor; to hold otherwise and that J. Perera was rendered immune by the section from the consequences of his own act, namely, the conveyance by him to Lewis, would be to permit gross injustice, because by so holding J. Perera, who had sold the property and had had the advantage of the consideration, would be entitled to evict his uncle (now the uncle's devisee, the second respondent). Inasmuch, therefore, as s. 238 did not render void as between themselves the deed of conveyance from J. Perera to his uncle, there was no statutory provision which hindered the operation of the common law, and the title passed by operation of law automatically from the appellant as J. Perera's nominee to the second respondent under the doctrine of *exceptio rei venditæ et traditæ* at the moment that Thiagarajah transferred the property to the appellant. (*Anund Lall Doss* v. *Jullodhur Shaw* (1872), 17 Suth. W.R. 313, and *Gunatilleke* v. *Fernando* (1921), 22 N.L.R. 385, were referred to.) Appeal dismissed. No order as to costs.

Appearances: *Joseph Dean* (*T. L. Wilson & Co.*,); the respondents did not appear and were not represented.

[Reported by Charles Clayton, Esq., Barrister-at-Law] [2 W.L.R. 652

LEGISLATIVE COUNCIL: ELECTED MEMBER: COMPETENCE OF PROCEEDINGS FOR DISQUALIFICATION: NO APPEAL TO PRIVY COUNCIL

Patterson *v.* Solomon

Viscount Simonds, Lord Denning and Lord Jenkins

21st March, 1960

Appeal from the Supreme Court of Trinidad and Tobago.

The appellant, Augustus Patterson, a mattress maker and a registered elector of Trinidad and Tobago, sought an injunction to restrain the respondent, Dr. P. V. J. Solomon, who was an elected member of the Legislative Council of the colony, a member of the Executive Council and the Minister of Education and Culture, from claiming to be or in any way acting as the holder of those offices on the ground that his seat in the Legislative Council had become vacant under the provisions of s. 38 (3) (*e*) of the Trinidad and Tobago (Constitution) Order in Council, 1950, as amended by the Trinidad and Tobago (Constitution) (Amendment) Order in Council, 1956, by reason of his having become a party to a contract with the government of the colony for and on account of the public service. By s. 40 of the Order in Council of 1950 as amended: "(1) All questions which may arise as to the right of any person . . . (ii) to be or remain an elected member of the Legislative Council, shall be referred to the Supreme Court of the Colony . . ." The trial judge refused the motion on the ground that the question of the right of the respondent to remain an elected member of the Legislative Council could only be entertained by the Supreme Court on a reference made to it by the Legislative Council itself and that the appellant was incompetent to bring proceedings against the respondent. The Full Court of the Supreme Court of Trinidad and Tobago on 13th November, 1957, affirmed that decision. The appellant appealed.

Viscount Simonds, giving the judgment, said that s. 40 of the Order in Council of 1950, as amended, contemplated a reference to the Supreme Court by the Legislative Council itself, and that the appellant could not competently maintain the proceedings in any form. Secondly, he could not escape from the consequences of that decision by dropping his claim so far as it related to membership of the Legislative and Executive Councils and confining it to seeking to restrain the respondent from acting as Minister of Education and Culture. The respondent was, until the contrary was competently determined, a member of the Legislative and Executive Councils, and it was only if he ceased to be such a member that he could no longer hold the office of Minister to which he had been appointed. Unless and until the fact of disqualification had been established in the only manner permissible, it was not possible to argue its consequences. Thirdly, even if upon a proper reference under s. 40 the

Supreme Court had come to a determination, whatever form it might take, no appeal would lie to Her Majesty in Council. Equally an appeal would not lie from a determination of that court upon the same subject-matter otherwise than upon such a reference. The Order in Council created an entirely new jurisdiction in a particular court of the colony for the purpose of taking out of the Legislative Council, with its own consent, and vesting in that court the very peculiar jurisdiction which had existed in the council itself of determining the status of those who claimed to be members of the council, and the determination of that court was final and no appeal lay from it. The same principle also applied whether or not the jurisdiction vested in the particular court had previously been exercised by the legislative body: *Thebérge* v. *Laudry* (1876), 2 App. Cas. 102; *De Silva* v. *A.-G. for Ceylon* (1949), 50 C.N.L.R. 481; *Senanayake* v. *Navaratne* [1954] A.C. 640. Appeal dismissed. The appellant must pay the costs of the appeal.

APPEARANCES: *D. N. Pritt*, Q.C., and *S. N. Bernstein* (*A. L. Bryden & Williams*); *Dingle Foot*, Q.C., and *Ralph Millner* (*T. L. Wilson & Co.*).

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law] **[2 W.L.R. 685**

House of Lords

FRAUD: UTTERING FORGED DOCUMENTS WITH INTENT TO DEFRAUD: WHETHER ECONOMIC LOSS NECESSARY

Welham *v.* Director of Public Prosecutions

Lord Radcliffe, Lord Tucker, Lord Keith of Avonholm, Lord Denning and Lord Morris of Borth-y-Gest

24th March, 1960

Appeal from the Court of Criminal Appeal.

By s. 4 of the Forgery Act, 1913: "(1) Forgery of any document, which is not made felony under this or any other statute for the time being in force, if committed with intent to defraud, shall be a misdemeanour . . ." By s. 6: "(1) Every person who utters any forged document . . . shall be guilty of an offence of the like degree . . . and on conviction thereof, shall be liable to the same punishment as if he himself had forged the document . . ." The appellant was tried on an indictment which included two counts uttering forged documents, contrary to s. 6 of the Forgery Act, 1913. The appellant, as sales manager of Motors (Brighton), Ltd., had witnessed forged hire-purchase agreements on the strength of which certain finance companies had advanced large sums of money to Motors (Brighton), Ltd. The appellant's defence was that he had believed that the agreements were brought into being to enable the finance companies to lend money which they could not ordinarily do because of credit restrictions, and because by their memorandum and articles of association they could not act as moneylenders. He claimed that the purpose of the hire-purchase agreements was to make it appear that the finance companies were advancing money in the way of their business as finance companies, and he accordingly contended that he had had no intention to defraud the finance companies but was merely uttering the documents to mislead the relevant authority who might inspect the records to see that the credit restrictions were being observed and whose duty it was to prevent their contravention. The jury were directed that this was a sufficient intention to defraud and the appellant was convicted. He appealed on the ground that his intention was merely an intention to deceive and not an intention to defraud, which involved causing some economic loss to the person deceived. The Court of Criminal Appeal dismissed his appeal. The Attorney-General gave his fiat for a further appeal.

LORD RADCLIFFE said that he agreed with the opinion of Lord Denning that the appeal must be dismissed. The central question of law was: What was the meaning of the words "intent to defraud" in s. 1 and, more particularly, s. 4 (1) of the Forgery Act, 1913? An answer could not be supplied which did not regard both the context in which they appeared and the previous history of legal decisions on the meaning of the word "defraud" when used as an element in the crime of forgery. It could be confidently said, first, that "defraud" required a person as its object and involved doing something to someone. Although in the nature of things it was almost invariably associated with the obtaining of an advantage for the person who committed the fraud, it was the effect upon the person who was the object of the fraud that ultimately determined its meaning. This was none the less true because since the middle of the last century the law had not required an indictment to specify the person intended to be defrauded or to prove intent to defraud a particular person. Secondly, popular speech did not give any sure guide as to the limits of what was meant by "to defraud." It might mean to cheat someone. It might mean to practise a fraud upon someone. It might mean to deprive someone by deceit of something which was regarded as belonging to him or, though not belonging to him, as due to him or his right. It passed easily into metaphor, as did so much of the English natural speech. Murray's New English Dictionary instanced such usages as defrauding a man of his due praise or his hopes. Rudyard Kipling in the first world war wrote of our "angry and defrauded young." There was nothing in any of this that suggested that to defraud was in ordinary speech confined to the idea of depriving a man by deceit of some economic advantage or inflicting upon him some economic loss. Nor had the law ever so confined it. What it had looked for in considering the effect of cheating on another person, and so in defining the criminal intent, was the prejudice of that person. But in that special line of cases where the person deceived was a public authority or a person holding a public office, deceit might secure an advantage for the deceiver without causing anything that could fairly be called either a pecuniary or an economic injury to the person deceived. If there could be no intent to defraud in the eyes of the law without an intent to inflict a pecuniary or economic injury, such cases as these could not have been punished as forgeries at common law, in which an intent to defraud was an essential element of the offence, yet he (his lordship) was satisfied that they were regularly so treated: see, for example, *R.* v. *Toshack* (1849), 4 Cox C.C. 38. In his opinion it was clear that in connection with this offence the intent to defraud existed when the false document was brought into existence for no other purpose than that of deceiving a person responsible for a public duty into doing something that he would not have done but for the deceit, or not doing something that but for it he would have done. Correspondingly, to put such a document forward with knowledge of its falsity and with a similar intent was to commit the crime of uttering it. That seemed to be the essential point of the present appeal. The judgment of the Court of Criminal Appeal was right and the appeal must be dismissed.

LORD TUCKER and LORD KEITH OF AVONHOLM agreed that the appeal should be dismissed.

LORD DENNING, agreeing, said that in his judgment, s. 4 (1) of the Forgery Act, 1913, only restated the requirements of the common law of forgery. The "intent to defraud" there mentioned was the same intent as was required by the common law. It was satisfactory to find that in the cases subsequent to the Act the courts had been giving it the same meaning as they did before (*R.* v. *Bassey* (1931), 47 T.L.R. 222, was particularly in point), and he was glad to find this confirmed by what Lord Tucker had said in *Board of Trade* v. *Owen* [1957] A.C. 602, at p. 622.

LORD MORRIS OF BORTH-Y-GEST concurred. Appeal dismissed.

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(continued on p. xiv)

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APPEARANCES: *Gerald Gardiner*, Q.C., and *C. W. G. Ross-Munro* (*Bellamy, Bestford & Co.*); *Sir Jocelyn Simon*, Q.C., S.-G.; *J. H. Buzzard* and *M. D. L. Worsley* (*Director of Public Prosecutions*).

[Reported by J. A. GRIFFITHS, Esq., Barrister-at-Law] [2 W.L.R. 669

Court of Appeal

JURISDICTION: SUBMISSION TO JUDGMENT BY PLAINTIFFS: SUBSEQUENT APPEAL BY PLAINTIFFS

Badcock (D.), Ltd. *v.* Middlesex County Council and London County Council

Lord Evershed, M.R., Pearce and Harman, L.JJ.
15th March, 1960

Original motion.

The plaintiffs in an action sought an injunction to restrain the defendants discharging effluent into the Thames so as to cause a nuisance to the plaintiffs, and damages. Roxburgh, J., in an interlocutory judgment, held that the plaintiffs' claim was misconceived and that he would give leave to amend their statement of claim only on terms which the plaintiffs were not prepared to accept. At the end of the seventh day of the hearing the plaintiffs, considering that a continuation of the trial would serve no useful purpose, by their counsel submitted to judgment. Subsequently the plaintiffs appealed, asking that they might be at liberty to amend their statement of claim and that the matter might be remitted with a view to a new trial. The ground of the appeal was that the judge had misdirected himself and wrongly exercised his discretion. The defendants by original motion applied to have the notice of appeal struck out as disclosing no grounds of appeal. At the hearing the plaintiffs gave notice that they wished to amend their notice of appeal by adding, as an additional ground of appeal, that, because of the unreasonable attitude of the judge throughout the hearing and the views that he had formed, there was no prospect that the further hearing of the case would be fairly conducted.

LORD EVERSHED, M.R., said that there was strong ground in support of the argument that the notice of appeal, as it stood, should be dealt with summarily in the way suggested in the motion, because none of the grounds set out could support the appeal. But counsel for the plaintiffs had now intimated that it was his clients' wish to supplement the grounds of the appeal. Under the rules it was open to an appellant within a time which had in this case not expired to add to his notice of appeal, and in addition, of course, there was power in the Court of Appeal at any stage to allow an amendment to the notice of appeal. As to the proposed amendment, it was not suggested that the trial judge had been unfair in an obnoxious sense but that the views which the judge intimated, and the way the case was conducted, resulted in the state of affairs set out, namely, that it could not fairly be tried any more. It was said, and said with some force, that if any appeal was contemplated, then counsel at the trial should have made some sort of reservation; indeed, that he need not have adopted the course of submitting to judgment at all; and that if one did come forward and say: "I am instructed on behalf of my clients to submit to judgment," that was equivalent to saying: "My clients do not want to go on with this case any more"; and if a party said that, then it was not fair to the other side that on a later occasion they should be told: "Well, after all, we want to fight the battle all over again." However, he (his lordship) was satisfied, and counsel for the defendants accepted, that it would be going too far to say that a party who submitted to judgment could under no circumstances whatever thereafter seek a new trial. It therefore was a question whether, in the circumstances of the present case, it would be right and just for the plaintiffs to obtain a new trial; or (to put the matter more precisely for the purposes of this motion) whether it would be right now, in the exercise of its jurisdiction, comparable to that exercised when a statement of claim was sought to be struck out, for the court to say: "In the circumstances of this case you cannot possibly get this ground of appeal on its legs at all, and therefore your appeal should *in limine* be stopped." He (his lordship) had come to the conclusion (expressing no view on the justification of the new ground of the appeal) that it would not be right and in accordance with the jurisdiction the court was called upon to exercise to say to the plaintiffs in this action: "You cannot possibly by any means proceed with this notice for a new trial; you cannot possibly by any means sustain the ground with which you seek to support it." Having said that much, it therefore followed that he should say no more, and he said no more about what might be called the merits of the case.

PEARCE and HARMAN, L.JJ., agreed. No order on the motion. Costs reserved.

APPEARANCES: *Gerald Gardiner*, Q.C., *R. W. Goff*, Q.C., and *H. E. Francis* (*J. G. Barr*); *Sir Milner Holland*, Q.C., and *W. P. Graetz* (*Kenneth Goodacre*); *Sir Frank Soskice*, Q.C., *G. H. Newsom*, Q.C., and *J. A. Gibson* (*William Charles Crocker*).

[Reported by J. A. GRIFFITHS, Esq., Barrister-at-Law]

Chancery Division

CHARITY: POWER TO ALTER INVESTMENT CLAUSE

***In re* Jewish Orphanage Charity Endowments Trusts; Sebag-Montefiore *v.* Rothschild Executor and Trustee Co.**

Cross, J. 17th March, 1960

Adjourned summons.

A scheme made by the Charity Commissioners in 1876 governing the affairs of an orphanage contained provisions for the alteration or modification of the scheme by resolution confirmed by the board of governors. It provided that "no alterations, modifications, or variations shall be made involving a deviation from the main principles of this scheme." The scheme contained an investment clause in which the permitted range was wider than that permitted by the Trustee Act, 1859, and at some time before 1910 that power was extended to give a wider power of investment. On 16th September, 1959, the board of governors duly confirmed a resolution, altering the investment clause so that the power of investment as to one-third of the funds was limited to investments authorised by law and as to two-thirds was extended to include investment in first-class equities. The managing trustees took out a summons against the custodian trustee and the Attorney-General to determine, *inter alia*, the validity of the resolution.

CROSS, J., said that in *In re Tobacco Trade Benevolent Association Charitable Trusts* [1958] 1 W.L.R. 1113, Harman, J., had expressed a doubt whether, if in the beginning the rules of a charity had provided power to alter the rules, the charity could make use of that power to widen its investment capacity. He did not think that this doubt was justified; if a testator or settlor could himself empower his trustees to invest in forms of investment not authorised by law for the investment of trust funds, he did not see why he should not be entitled to confer on someone else a power to enlarge the original investment clause. Thus the Charity Commissioners were entitled to insert such a power in a scheme establishing a charity. It was clear that it would be a deviation from the main principles of the scheme to alter the objects of the charity to something quite different from those laid down originally. He could not think, however, that a clause prescribing the manner in which funds could be invested could, even in 1876, have been described as a main principle

of a charitable trust, and he proposed therefore to declare that the resolution effectively extended the range of permissible investments.

APPEARANCES: *L. H. L. Cohen* and *Martin Roth* (*Hyman Isaacs, Lewis & Mills*); *Bryan Clauson* (*Treasury Solicitor*).

[Reported by Miss M. G. THOMAS, Barrister-at-Law] [1 W.L.R. 344

SALE OF MOTOR-CAR AS NEW: WHEN NEW MOTOR-CAR NOT "NEW"

Morris Motors, Ltd. *v.* Phelan

Roxburgh, J. 22nd March, 1960

Motion.

The plaintiffs, Morris Motors, Ltd., moved for an injunction restraining the defendant, John Phelan, "from advertising, offering for sale, or selling any motor-vehicle not being a new motor-vehicle of the plaintiffs' manufacture as and for a new motor-vehicle of the plaintiffs' manufacture and from falsely representing that any motor-car of the plaintiffs is new when it is to the defendant's knowledge not new." The defendant was willing to treat the motion as the trial of the action, and to give a perpetual undertaking in the terms of the notice of motion set out above. It was understood at one time in the trade that "new" meant unused and not second-hand, and it was thought that a car could be advertised as new if it had not been on the road, but it was now realised as a result of the judgment of Wynn Parry, J., in *Morris Motors, Ltd.* v. *Lilley* [1959] 1 W.L.R. 1184, that that was not so.

ROXBURGH, J., said that if a special meaning was given to the word "new," as indeed was done in *Morris Motors, Ltd.* v. *Lilley*, *supra*, he was not willing to put a defendant under an injunction which was in fact a trap, and on that ground he did not consent to the terms of the notice of motion. The notice of motion must be amended. The decision of Wynn Parry, J., was that a new motor-car did not merely mean unused but that it meant something else. If that was so counsel must re-draft the notice of motion so as to embody that decision, even though the notice of motion was in the same form as the order granted by Wynn Parry, J. The notice of motion should be amended to read: "From advertising, offering for sale or selling any motor-vehicle not being a new motor-vehicle of the plaintiffs' manufacture as and for a new motor-vehicle of the plaintiffs' manufacture and from falsely representing that any motor-vehicle of the plaintiffs' manufacture is new after it has been the subject of a retail sale by a distributor or dealer, has been registered with the local county council, has had number plates affixed thereto, and has been driven away by the purchaser." That form was exactly following the language of Wynn Parry, J.

APPEARANCES: *C. Mayson* (*Osmond, Bard & Westbrook*); *F. E. Skone James* (*Peacock & Goddard*, for *Rothera, Sons and Langham*, Nottingham).

[Reported by Miss PHILIPPA PRICE, Barrister-at-Law] [1 W.L.R. 352

Queen's Bench Division

MASTER AND SERVANT: SAFETY REGULATIONS: FIXED STRUCTURE USED TEMPORARILY: WHETHER "TEMPORARY PLATFORM"

Westcott *v.* Structural and Marine Engineers, Ltd.

Lord Parker, C.J. 10th March, 1960

Action.

By reg. 24 of the Building (Safety, Health and Welfare) Regulations, 1948: "(1) . . . every side of a working platform or working place, being a side thereof from which a person is liable to fall a distance of more than six feet six inches, shall be provided with a suitable guard-rail or guard-rails. . . . (5) (*d*) The requirements of para. (1) shall not apply to a temporary platform which is used only by erectors of structural steelwork or ironwork for the purposes of bolting-up, riveting or welding work of such short duration as to make the provision of a platform with guard-rails and toe-boards unreasonable if (i) the platform is at least thirty-four inches wide and (ii) there is adequate handhold and (iii) the platform is not used for the deposit of tools or materials otherwise than in boxes or receptacles suitable to prevent the fall of the tools or materials from the platform." The plaintiff, a chargehand steel erector employed by the defendants, was engaged in the erection of a new steel tower on a conical base in place of one which had been demolished, and during the process of bolting the new conical base on to a fixed concrete structure he was standing on the concrete structure some eleven feet from the ground. While he was putting a nut on a bolt he fell and suffered injuries. He sued his employers for damages, alleging, *inter alia*, a breach by them of reg. 24.

LORD PARKER, C.J., said that the Building (Safety, Health and Welfare) Regulations, 1948, applied. The concrete on which the men were working was over six feet six inches from the ground, and it was conceded that where they were standing was a working place. Accordingly, prima facie, the obligation arose to provide a guard-rail or guard-rails. That was subject to certain other paragraphs, the only one which could apply being para. (5) (*d*). Whereas para. (1) referred to "a working platform or working place," para. (5) (*d*) referred to "a temporary platform." In his lordship's judgment, "a temporary platform" could not apply to a working place such as this fixed tower with its concrete at the top on which the men were working. It seemed to his lordship that the expression "a temporary platform" pointed to and covered the case of a platform erected temporarily for a particular purpose, and did not apply to a fixed structure, part of the building, which was being used as a working place for the time being. "Temporary" was not referring to the fact that it was used only temporarily, but that the platform was there only temporarily. Accordingly, para. (5) (*d*), which was really a proviso to para. (1), had no application, and the prima facie obligation under para. (1) was an absolute obligation to provide a guard-rail or guard-rails. These employers were accordingly in breach of the statutory duty imposed by reg. 24 (1).

APPEARANCES: *Dudley Collard* (*W. H. Thompson*); *Peter Ripman* (*Barlow, Lyde & Gilbert*).

[Reported by Miss EIRA CARYL-THOMAS, Barrister-at-Law] [1 W.L.R. 349

Probate, Divorce and Admiralty Division

ESTOPPEL: HUSBAND AND WIFE: CUSTODY

Hull *v.* Hull

Sachs, J. 10th December, 1959

Summons adjourned into open court.

A wife was granted a decree nisi of dissolution of marriage on the ground of the husband's desertion, the court's discretion being exercised in her favour in respect of her adultery. The suit was undefended. Some two months later, the husband issued a summons for custody of the children, and swore an affidavit in support of that summons alleging that, contrary to the finding of the judge who heard the suit, he had not deserted the wife, but that, in fact, she had deserted him and, further, that she had committed adultery beyond that disclosed in her discretion statement. The wife took out a summons applying that the paragraphs in the husband's affidavit alleging desertion and undisclosed adultery by her be ordered to be deleted from his affidavit. The registrar refused so to order. The wife appealed.

SACHS, J., held that as the court which heard the suit had made an express finding that the husband had deserted the wife, and had based the decree nisi on that finding, the

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(*continued on p. xvii*)

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doctrine of *res judicata* applied to estop the husband in the custody proceedings from denying that he had deserted the wife, and from alleging that she had deserted him. The evidence relating to adultery, on the other hand, was not to be excluded, since the doctrine of estoppel did not apply. No facts establishing that offence had been raised or pronounced on at the trial. The issue in the custody application was different from that at the trial, for whereas at the trial the issue was whether the grounds for relief, or a bar to relief, had been established, on the application for custody the issue was which party was the better suited to have custody, having regard to the welfare of the children. Moreover, it was not on any other ground contrary to public policy to admit that evidence.

APPEARANCES: *John Syms* (*Wainwright & Co.*); *D. J. Turner-Samuels* (*Robert K. George*).

[Reported by D. R. ELLISON, Esq., Barrister-at-Law] **[2 W.L.R. 627**

WILL: EXECUTION: DESCRIPTION OF DECEASED IN PLACE OF SIGNATURE

In the Estate of Cook, deceased

Collingwood, J. 19th February, 1960

Probate action.

The deceased made a holograph will which commenced with the words "I, Emma Cook of 38 Maida Vale, declare this to be my last will . . ." and then set out her testamentary dispositions. In the presence of two witnesses the deceased wrote the words "Your loving mother" at the foot of the document and the witnesses duly attested the same. The deceased then put the document into an envelope on which she wrote "Last will." The plaintiff and the defendants to the action, which prayed that the will be admitted to probate, were the children of the deceased, who were the sole beneficiaries under the will and the persons entitled on an intestacy. Terms of settlement had been signed.

COLLINGWOOD, J., said that the only question was whether the will had been signed within the meaning of the Wills Act, 1837, and referred to *In the Goods of Sperling* (1863), 3 Sw. & Tr. 272; *Baker* v. *Dening* (1838), 8 A. & E. 94; *In the Goods of Redding* (1850), 2 Rob. Ecc. 339; and *Hindmarsh* v. *Charlton* (1861), 8 H.L. Cas. 160. Applying the principles set out in those authorities to the case before him, he (his lordship) was satisfied that the words "Your loving mother" were meant to represent the name of Emma Edith Cook, the testatrix, and the will would, therefore, be pronounced for in solemn form and the terms of compromise made a rule of court.

APPEARANCES: *John B. Latey*, Q.C., and *Bryan Anns* (*James B. Holt*); *A. Richard Ellis* (*Tamplin, Joseph & Flux*); *R. Gavin Freeman* (*Millard & Potts*).

[Reported by Miss ELAINE JONES, Barrister-at-Law] **[1 W.L.R. 353**

CORRIGENDUM

In *Carr* v. *Boxall*; *Brimmer* (*Third Party*), p. 269, *ante*, the appearances should have read: *M. J. Aweyl-Davies* (*Taylor, Willcocks & Co.*); *Ian McCulloch* (*Bernard W. Main*, for *Bliss, Sons & Covell*, High Wycombe), and not as printed.

IN WESTMINSTER AND WHITEHALL

HOUSE OF LORDS

PROGRESS OF BILLS

Read First Time:—

Clean Rivers (Estuaries and Tidal Waters) Bill [H.C.] [4th April.

Films Bill [H.L.] [7th April.

To consolidate the Cinematograph Films Acts, 1938 to 1960.

Offices Bill [H.C.] [4th April.

Royal Exchange Assurance Bill **[H.C.]** [4th April.

Read Second Time:—

Gas Bill [H.C.] [5th April.

Iron and Steel (Financial Provisions) Bill [H.C.] [4th April.

Legal Aid Bill [H.C.] [5th April.

HOUSE OF COMMONS

A. PROGRESS OF BILLS

Read First Time:—

Restriction of Imprisonment of Children [H.C.] [6th April.

To restrict the committal to prison of children under sixteen years of age, to provide for the transfer to remand homes or remand centres of certain children who have been so committed, to prescribe the period for which such restrictions and provisions shall remain in force, and for connected purposes.

Read Second Time:—

Derbyshire County Council Bill [H.L.] [4th April.

Northampton County Council Bill [H.L.] [4th April.

Read Third Time:—

Marriage (Enabling) Bill [H.L.] [8th April.

Pawnbrokers Bill [H.C.] [4th April.

War Damage (Clearance Payments) Bill [H.C.] [5th April.

B. QUESTIONS

LEGAL AID AND MATRIMONIAL PROCEEDINGS

Sir JOCELYN SIMON, Solicitor-General, said that the operation of the Legal Aid and Advice Act would be extended to matrimonial proceedings in magistrates' courts during the present financial year. [5th April.

FOOTPATHS AND BRIDLEWAYS

Sir K. JOSEPH said that the following county councils had not yet published definitive maps for any part of the county: Bedford, Berkshire, Brecknock, Caernarvon, Cardigan, Carmarthen, Chester, Cornwall, Cumberland, Denbigh, Derby, Dorset, Essex, Flint, Glamorgan, Hereford, Huntingdon, Isle of Ely, Kent, Lancaster, Lincoln, Parts of Lindsey, Merioneth, Montgomery, Norfolk, Northumberland, Nottingham, Oxford, Pembroke, Radnor, Sussex West, Warwick, Westmorland, York, East Riding, York, North Riding, and York, West Riding. Carmarthen and Montgomery had not yet published draft maps, but the latter expected to do so this week. The Minister of Housing and Local Government was reluctant to use his powers under the Act to expedite the preparation of provisional and definitive maps, since this might result in the publication of maps which were incomplete and therefore liable to cause uncertainty. He hoped that county councils would do their best to push on with the task without obliging him to consider this step. [7th April.

PARISH COUNCILS

Mr. HENRY BROOKE, Minister of Housing and Local Government, said that he intended shortly to seek the views of the associations of local authorities which were concerned with the establishment of single parish councils for groups of parishes each having a population of over 300. The subject would appear suitable for inclusion in a Bill containing miscellaneous local government provisions, but the first step was to decide whether amendment of the law was needed, and if so, what form it should take. [8th April.

STATUTORY INSTRUMENTS

Barnsley Corporation (Water Charges) Order, 1960. (S.I. 1960 No. 641.) 5d.
Bridgwater Corporation (Water Charges) Order, 1960. (S.I. 1960 No. 552.) 5d.
Bristol Waterworks (Clutton) Order, 1960. (S.I. 1960 No. 640.) 8d.
Bristol Waterworks (Shepton Mallet Rural) Order, 1960. (S.I. 1960 No. 639.) 8d.
Cardiff Corporation Water (Amalgamation) Order, 1960. (S.I. 1960 No. 635.) 10d.
Cardiff Corporation Water (Leckwith Reservoir) Order, 1960. (S.I. 1960 No. 582.) 5d.
Draft **Census** Order, 1960. 6d.
County of Somerset (Electoral Divisions) Order, 1960. (S.I. 1960 No. 616.) 5d.
Dearne Valley Water Board (Charges) Order, 1960. (S.I. 1960 No. 588.) 5d.
Don Valley Water Board Order, 1960. (S.I. 1960 No. 624.) 1s. 1d.
Grants and Rates (Isles of Scilly) (Amendment) Order, 1960. (S.I. 1960 No. 499.) 5d.
Hill Sheep (England and Wales) Scheme, 1960. (S.I. 1960 No. 656.) 6d.
Hill Sheep (Northern Ireland) Scheme, 1960. (S.I. 1960 No. 657.) 6d.
Hill Sheep Subsidy Payment (England and Wales) Order, 1960. (S.I. 1960 No. 658.) 5d.
Hill Sheep Subsidy Payment (Northern Ireland) Order, 1960. (S.I. 1960 No. 659.) 5d.
Ironstone Restoration Fund (Contributions) (Rate of Interest) Order, 1960. (S.I. 1960 No. 627.) 5d.
Leeds Water Order, 1960. (S.I. 1960 No. 612.) 9d.
Leicester Water (No. 3) Order, 1960. (S.I. 1960 No. 625.) 6d.
Lincolnshire River Board (Variation of Awards) Order, 1960. (S.I. 1960 No. 631.) 5d.
Liverpool - Warrington - Stockport - Sheffield - Lincoln - Skegness Trunk Road (Sankey Bridge, Great Sankey, Diversion) Order, 1960. (S.I. 1960 No. 629.) 6d.
London (Waiting and Loading) (Restriction) (Amendment) (No. 2) Regulations, 1960. (S.I. 1960 No. 595.) 6d.
London - Carlisle - Glasgow - Inverness Trunk Road (Blackwood Diversion) (Variation) Order, 1960. (S.I. 1960 No. 602.) 4d.
London Parking Zones (Waiting and Loading) (Restriction) Regulations, 1960. (S.I. 1960 No. 594.) 1s. 11d.
London Traffic (Prescribed Routes) (Westminster) (No. 2) Regulations, 1960. (S.I. 1960 No. 593.) 5d.
Mid-Sussex Water Order, 1960. (S.I. 1960 No. 623.) 11d.
Newcastle and Gateshead Water (No. 4) Order, 1960. (S.I. 1960 No. 601.) 5d.
North West Sussex Water (Steyning) Order, 1960. (S.I. 1960 No. 584.) 8d.
Draft **Post-War Credit** (Income Tax) Amendment Regulations, 1960. 6d. See p. 314, *post*.
Stopping up of Highways Orders, 1960:—
County Borough of Burnley (No. 1). (S.I. 1960 No. 603.) 5d.
County of Caernarvon (No. 1). (S.I. 1960 No. 575.) 5d.
County of Caernarvon (No. 2). (S.I. 1960 No. 619.) 5d.
City and County Borough of Cardiff (No. 1). (S.I. 1960 No. 576.) 5d.
County of Cornwall (No. 5). (S.I. 1960 No. 632.) 5d.
County of Derby (No. 6). (S.I. 1960 No. 577.) 5d.
County of Devon (No. 1). (S.I. 1960 No. 633.) 5d.
County of Essex (No. 5). (S.I. 1960 No. 572.) 5d.
County of Leicester (No. 8). (S.I. 1960 No. 604.) 5d.
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County of Leicester (No. 10). (S.I. 1960 No. 621.) 5d.
County of Kent (No. 5). (S.I. 1960 No. 573.) 5d.
County of Middlesex (No. 4). (S.I. 1960 No. 574.) 5d.
City and County Borough of Nottingham (No. 2). (S.I. 1960 No. 605.) 5d.
County of Suffolk, East (No. 2). (S.I. 1960 No. 591.) 5d.
County of Surrey (No. 4). (S.I. 1960 No. 590.) 5d.
County of York, North Riding (No. 1). (S.I. 1960 No. 589.) 5d.
County of York, West Riding (No. 9). (S.I. 1960 No. 578.) 5d.
County of York, West Riding (No. 11). (S.I. 1960 No. 618.) 5d.
Sunderland and South Shields and Hartlepools Water Order, 1960. (S.I. 1960 No. 626.) 5d.
Thames Valley Water Order, 1960. (S.I. 1960 No. 598.) 5d.
Wages Regulation (Industrial and Staff Canteen) Order, 1960. (S.I. 1960 No. 615.) 11d.
Wages Regulation (Milk Distributive) (England and Wales) Order, 1960. (S.I. 1960 No. 600.) 8d.
Wey Valley (Water Charges) Order, 1960. (S.I. 1960 No. 637.) 5d.
Wey Valley Water Order, 1960. (S.I. 1960 No. 638.) 6d.
Winchester Corporation Water Order, 1960. (S.I. 1960 No. 599.) 4d.
Woodhall Spa (Water Charges) Order, 1960. (S.I. 1960 No. 587.) 4d.
Wrexham and East Denbighshire Water Order, 1960. (S.I. 1960 No. 583.) 7d.

SELECTED APPOINTED DAYS

April

4th — Foreign Compensation Commission (Egyptian Claims) (Amendment) Rules, 1960. (S.I. 1960 No. 597.)

22nd — Wages Arrestment Limitation (Amendment) (Scotland) Act, 1960.

25th — Wages Regulation (Industrial and Staff Canteen) Order, 1960. (S.I. 1960 No. 615.)

REVIEWS

Dymond's Death Duties. Thirteenth Edition in Two Volumes. By REGINALD K. JOHNS, LL.B. (Lond.). pp. cxxviii and viii and (with Index) 1558. 1960. London: The Solicitors' Law Stationery Society, Ltd. £7 7s. net.

This book is by now so well-known and so widely used as a comprehensive treatise in narrative form that we may most usefully start, not by describing it as though it were a new publication, but by indicating the differences from the previous editions.

The most striking feature is that it is now published in two volumes of unequal size: the first comprises the tables of cases, etc., the text and the index, and the second the relevant statutes and statutory instruments. This is a quite excellent innovation because the statutes are not only printed in large, clear and legible type but are printed in their amended form with italics or footnote references to the later statutes effecting amendments. Not only does this mean, as suggested in the preface, that the words of the text and of the statute can be looked at side by side, but it also constitutes much the most convenient print of the estate duty statutes that has ever appeared.

The next feature is that the narrative text, although printed in the same manner as before, has grown from 800 to 1,000 pages. This might seem excessive until it is realised that it is five years since the last edition of Dymond appeared and in those five years there have been six Finance Acts of which four have introduced new complexities into the law of estate duty. That of 1956 dealt, *inter alia*, with annuities charged on settled property, with compulsory purchase and with aggregation: that of 1957 turned upside down the law relating to gifts *inter vivos*: that of 1958 dealt with purchases of interests in expectancy, with quick successions and one or two other odds and ends: that of 1959 dealt with policies of assurance but not so radically as some had feared. Many of these alterations are far-reaching and affect not abstruse points but matters of everyday occurrence: in addition, the five years have produced the usual crop of reported decisions, some of which are of considerable importance. All these have been considered at length and incorporated into the text, necessitating the re-writing of many sections of it. The author was unfortunate in that *Public Trustee* v. *Inland Revenue Commissioners* [1960] 2 W.L.R. 203; p. 68, *ante*, was decided

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Ewell.—WILTSHIRES, Estate Agents, Surveyors, Auctioneers and Valuers, 55 High Street. Tel. Ewell 1665/6.

Farnham.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 4 Castle Street. Tel. 5274 (2 lines).

Farnham.—CUBITT & WEST. Tel. Farnham 5261. Valuers, Surveyors, Estate Agents.

Farnham.—GERMAN, ADDY & CO. (Est. 1903). Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 111 West Street. Tel. 5283/4.

Godalming.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, Estate Offices. Tel. 1722 (5 lines).

Guildford.—MANN & CO., Est. 1891, 22 Epsom Road. Tel. 62911/2. Offices throughout West Surrey.

Guildford.—MESSENGER, MORGAN & MAY, Chartered Surveyors, 8 Quarry Street. Tel. 2992/4.

Haslemere.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 20 High Street. Tel. 1207.

Haslemere and Hindhead.—CUBITT & WEST. Tel. Haslemere 2345/6/7, Hindhead 63. Valuers, Surveyors. Estate Agents.

Kingston.—A. G. BONSOR, STEVENS & CO., Est. 1899, 82 Eden Street. Tel. KIN 0022.

Kingston.—NIGHTINGALE, PAGE & BENNETT, Est. 1825, Chartered Surveyors, 18 Eden Street. Tel. KIN 3356.

Kingston upon Thames and Area.—BENTALLS ESTATE OFFICES (L. J. Smith, F.A.L.P.A., P. F. Parkinson, B.Sc., A.A.L.P.A.), Wood St. KIN 1001. Sales, surveys, property and chattel valuations, lettings, management.

Leatherhead, Ashtead, Oxshott.—CHAS. OSENTON AND CO., Chartered Auctioneers, 36 North Street, Leatherhead. (Tel. 3001/2); Ashtead 2382, Oxshott 3344.

Mitcham.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, Upper Green. Tel. MITcham 6101/2.

Redhill and Merstham.—E. H. BENNETT & PARTNERS Auctioneers and Valuers. Tel. Redhill 3672. Merstham 2234/5.

Reigate.—MARTEN & CARNABY, Surveyors, Auctioneers and Valuers, 23 Church Street. Tel. 3361/2.

Richmond.—ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 27 Kew Road (Opposite Richmond Station). Tel. RIC 4811/2.

Richmond.—PENNINGTONS, 23 The Quadrant, Auctions, Valuations, Surveys. Rents collected. Tel. RIC 2255 (3 lines).

Sanderstead.—HOOKER & ROGERS, Railway Approach, Sanderstead. Manager, K. C. Fox, A.R.I.C.S. Tel. SAN 4414/5.

Surbiton.—E. W. WALLAKER & CO., F.A.L.P.A., Surveyors, Valuers, Auctioneers and Estate Agents, 56/7 Victoria Road, Surbiton, Surrey. Tel. Elmbridge 5381/4 and 4750, and at Chessington, Surrey, Shoreham-by-Sea and Lancing, Sussex. (Chartered Surveyor D. J. Peachey, F.R.I.C.S.)

Sutton.—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 269 High Street. Tel. VIG 0026/7/8. And at Thornton Heath, Norbury and Piccadilly, W.1.

Sutton.—IDRIS JONES & PARTNERS, F.R.I.C.S., F.A.I., 22 The Arcade, Sutton. VIGilant 0182; and at 300 Abbey House, Westminster.

Thornton Heath.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, 781 London Road. Tel. THO 6211/2.

Thornton Heath.—DOUGLAS GRAHAM & CO., Estate Agents and Property Managers, 808 London Road. Tel. THO 3888 (4 lines). And at Norbury, Sutton and Piccadilly, W.1.

Virginia Water and Wentworth.—GOSLING AND MILNER, Station Approach, Virginia Water. Tel. Wentworth 2277. And at 8 Lower Grosvenor Place, S.W.1. Tel. Victoria 3634.

Wallington.—WILLIAM A. DAVIS & PARTNERS, 4 Stanley Park Road. Tel. Wallington 2567.

Walton.—MANN & CO. Est. 1891, 38 High Street Tel. 2331/2. Offices throughout West Surrey.

Walton and Weybridge.—HIGBY & CHARD (Consultants: George Geen, M.A., F.R.I.C.S., V.C. Lawrence, F.R.I.C.S.), 45 High Street, Walton-on-Thames. Tel. 2487/8.

Walton/Weybridge.—WARING & CO. Est. 1890. Surveyors, Estate Agents, Auctioneers and Valuers. Tel. Walton-on-Thames 24151/2.

West Byfleet.—MANN & CO., incorporating Ewbank and Co. Est 1891. Tel. 3288/9. Offices throughout West Surrey.

Weybridge.—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 2323/5. Offices throughout West Surrey.

Weybridge and District.—J. E. PURDIE & SON, Chartered Surveyors and Estate Agents, 1 and 3 Queens Road, Weybridge. Tel. 3307 (3 lines), and at Walton-on-Thames.

Weybridge and District.—WATERER & SONS, Chartered Auctioneers and Estate Agents, Surveyors, etc. Tel. 3838/9

(*continued on p. xviii*)

SURREY (*continued*)

Woking.—HOAR & SANDERSON, F.V.I. Tel. 3263/4. Ten associated Surrey offices.

Woking.—MANN & CO., Est. 1891, Chartered Surveyors. Tel. 3800 (6 lines). Offices throughout West Surrey.

Woking.—MOLDRAM, CLARKE & EDGLEY, Chartered Surveyors. Tel. 3419; and at Guildford.

SUSSEX

Angmering-on-Sea, Rustington, Worthing and Storrington.—BERNARD TUCKER & SON. Est. 1890. L. B. Tucker, F.R.I.C.S., F.A.I., G. H. E. Evans, F.A.L.P.A., W. J. Brown, F.A.I. Tels. Rustington 1, Worthing 5708/9. Storrington 535.

Arundel and Rustington.—HEASMAN & PARTNERS. Tel. Arundel 2323, Rustington 900.

Bexhill-on-Sea.—JOHN BRAY & SONS (Est. 1864), Estate Agents, Auctioneers and Valuers, 1 Devonshire Square. Tel. 14.

Bexhill-on-Sea and Cooden.—ERNEST SHEATHER, F.A.I., Chartered Auctioneer and Estate Agent, 14 St. Leonards Road. Tel. 350, 351 and 2280.

Bexhill-on-Sea and Little Common.—RICHES & GRAY (Est. 1883), Chartered Auctioneers and Estate Agents, 25 Sea Road, Bexhill-on-Sea. Tel. 34/5. And at 25 Cooden Sea Road, Little Common. Tel. Cooden 2939.

Brighton.—RAYMOND BEAUMONT, F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 35 East Street. Tel. Brighton 20163.

Brighton.—MELLOR & MELLOR, Chartered Auctioneers and Estate Agents, 110 St. James's Street. Tel. 682910.

Brighton.—H. D. S. STILES & CO., F.R.I.C.S., F.A.I. (special rating diploma), 6 Pavilion Buildings. Tel. Brighton 23244 (4 lines). 10 King's Bench Walk, Temple E.C.4. Tel. Central 5356. 3 The Steyne, Worthing. Tel. Worthing 9192/3.

Brighton.—FRANK STONE & PARTNERS, F.A.L.P.A., 84 Queen's Road. Tel. Brighton 29252/3.

Brighton and Hove.—WILLIAM WILLETT, LTD., Auctioneers and Estate Agents, 52 Church Road, Hove. Tel. Hove 34055. London Office, Sloane Square, S.W.1. Tel. Sloane 8141.

Brighton, Hove and Surrounding Districts.—MAURICE P. HATCHWELL, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agent, 4 Bartholomews, Brighton, 1. Tel. Brighton 23107.

Brighton and Hove and Surrounding Districts.—C. HORTON LEDGER, F.A.I., Established 1885, Chartered Auctioneer and Estate Agent, Surveyor and Valuer, "Sussex House," 126/7 Western Road, Hove, Sussex. Tel. 71291.

Chichester and Bognor Regis.—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, South Street, Chichester. Tel. 3031 (5 lines). Station Road, Bognor Regis. Tel. 2237/8.

Crawley.—JOHN CHURCHMAN & SONS, Chartered Surveyors, Valuers, Land Agents. Tel. Crawley 1899.

Crawley.—WM. WOOD, SON & GARDNER, Surveyors and Valuers. Tel. Crawley 1.

Crowborough.—DONALD BEALE & CO., Auctioneers, Surveyors and Valuers. The Broadway. Tel. Crowborough 3333.

Eastbourne.—FRANK H. BUDD, LTD., Auctioneers, Surveyors, Valuers, 1 Bolton Road. Tel. 1860.

Eastbourne.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 12 Gildredge Road, Tel. Eastbourne 1285.

Eastbourne.—HEFFORD & HOLMES, F.A.I., Chartered Auctioneers and Estate Agents, 51 Gildredge Road. Tel. Eastbourne 7840.

Eastbourne.—OAKDEN & CO., Estate Agents, Auctioneers and Valuers, 24 Cornfield Road. Est. 1897. Tel. 1234/5.

Eastbourne and District.—FARNHAM & CO., Auctioneers, Estate Agents and Valuers, 6 Terminus Road, Eastbourne. Tel. 4433/4/5. Branch at 87 Eastbourne Road, Lower Willingdon, and 4 Grand Parade, Polegate.

East Grinstead.—Messrs. P. J. MAY (P. J. May and A. L. Apthorp, F.R.I.C.S., F.A.I., M.R.San.I.), 2 London Road. Tel. East Grinstead 315/6.

East Grinstead.—TURNER, RUDGE & TURNER, Chartered Surveyors. Tel. East Grinstead 700/1.

Hassocks and Mid-Sussex.—AYLING & STRUDWICK, Chartered Surveyors. Tel. Hassocks 882/3.

Hastings, St. Leonards and East Sussex.—DYER & OVERTON (H. B. Dyer, D.S.O., F.R.I.C.S., F.A.I.; F. R. Hynard, A.R.I.C.S.), Consultant Chartered Surveyors. Estd. 1892. 6-7 Havelock Road, Hastings. Tel. 5661/2.

Hastings, St. Leonards and East Sussex.—WEST (Godfrey, F.R.I.C.S., F.A.I.) & HICKMAN, Surveyors and Valuers, 50 Havelock Road, Hastings. Tel. 6688/9.

Haywards Heath and District.—DAY & SONS, Auctioneers and Surveyors, 115 South Road. Tel. 1580. And at Brighton and Hove.

Haywards Heath and Mid-Sussex.—BRADLEY AND VAUGHAN, Chartered Auctioneers and Estate Agents. Tel. 91.

Horsham.—KING & CHASEMORE, Chartered Surveyors, Auctioneers, Valuers, Land and Estate Agents. Tel. Horsham 3355 (3 lines).

Horsham.—WELLER & CO., Surveyors, Auctioneers, Valuers, Estate Agents. Tel. Horsham 3311. And at Guildford, Cranleigh and Henfield.

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

SUSSEX (*continued*)

Hove.—DAVID E. DOWLING, F.A.L.P.A., Auctioneer, Surveyor, Valuer & Estate Agent. 75, Church Road, Hove. Tel. Hove 37213 (3 lines).
Hove.—PARSONS SON & BASLEY (W. R. De Silva, F.R.I.C.S., F.A.I.), 173 Church Road, Hove. Tel. 34564.
Hove and District.—WHITLOCK & HEAPS, Incorporated Auctioneers, Estate Agents, Surveyors and Valuers, 65 Sackville Road. Tel. Hove 31822.
Hove, Portslade, Southwick.—DEACON & CO., 11 Station Road, Portslade. Tel. Hove 48440.
Lancing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.
Lewes and Mid-Sussex.—CLIFFORD DANN, B.Sc., F.R.I.C.S., F.A.I., Fitzroy House, Lewes. Tel. 750. And at Ditchling and Hurstpierpoint.
Seaford.—W. G. F. SWAYNE, F.A.I., Chartered Auctioneer and Estate Agent, Surveyor and Valuer, 3 Clinton Place. Tel. 2144.
Storrington, Pulborough and Billinghurst.—WHITEHEAD & WHITEHEAD amal. with D. Ross & Son, The Square, Storrington (Tel. 40), Swan Corner, Pulborough (Tel. 232/3), High Street, Billinghurst (Tel. 391).
Sussex and Adjoining Counties.—JARVIS & CO., Haywards Heath. Tel. 700 (3 lines).
West Worthing and Goring-by-Sea.—GLOVER & CARTER, F.A.L.P.A., 110 George V Avenue, West Worthing. Tel. 8686/7. And at 6 Montague Place, Worthing. Tel. 6264/5.
Worthing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.
Worthing.—EYDMANN, STREET & BRIDGE (Est. 1864), 14 Chapel Road. Tel. 4060.
Worthing.—HAWKER & CO., Chartered Surveyors, Chapel Road, Worthing. Tel. Worthing 1136 and 1137.
Worthing.—Patching & Co., Est. over a century. Tel. 5000. 5 Chapel Road.
Worthing.—JOHN D. SYMONDS & CO., Chartered Surveyors, Revenue Buildings, Chapel Road. Tel. Worthing 623/4.

WARWICKSHIRE

Birmingham and District.—SHAW, GILBERT & CO., F.A.I., "Newton Chambers," 43 Cannon Street, Birmingham, 2 Midland 4784 (4 lines).

WARWICKSHIRE (*continued*)

Coventry.—GEORGE LOVEITT & SONS (Est. 1843), Auctioneers, Valuers and Estate Agents, 29 Warwick Row. Tel. 3081/2/3/4.
Coventry.—CHAS. B. ODELL & CO. (Est. 1901) Auctioneers, Surveyors, Valuers and Estate Agents, 53 Hertford Street. Tel. 22037 (4 lines).
Leamington Spa and District.—TRUSLOVE & HARRIS, Auctioneers, Valuers, Surveyors. Head Office: 38/40 Warwick Street, Leamington Spa. Tel. 1861 (2 lines).
Rugby and District.—WIGGINS & RUSSELL, Auctioneers, etc., 14 Regent Place, Rugby (Tel. 2548).
Sutton Coldfield.—QUANTRILL SMITH & CO., 4 and 6 High Street. Tel. SUT 4481 (5 lines).

WESTMORLAND

Kendal.—MICHAEL C. L. HODGSON, Auctioneers and Valuers, 10a Highgate. Tel. 1375.
Windermere.—PROCTER & BIRKBECK (Est. 1841), Auctioneers, Lake Road. Tel. 688.

WILTSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department. New Bond Street Chambers. 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.
Marlborough Area (Wilts, Berks and Hants Borders).—JOHN GERMAN & SON (Est. 1840), Land Agents, Surveyors, Auctioneers and Valuers, Estate Offices, Ramsbury, Nr. Marlborough. Tel. Ramsbury 361/2. And at Ashby-de-la-Zouch, Burton-on-Trent and Derby

WORCESTERSHIRE

Kidderminster.—CATTELL & YOUNG, 31 Worcester Street. Tel. 3075 and 3077. And also at Droitwich Spa and Tenbury Wells.
Worcester.—BENTLEY, HOBBS & MYTTON, F.A.I., Chartered Auctioneers, etc., 49 Foregate Street, Tel. 5194/5.

YORKSHIRE

Bradford.—NORMAN R. GEE & PARTNERS, F.A.I., 72/74 Market Street, Chartered Auctioneers and Estate Agents. Tel. 27202 2 lines). And at Keighley.

YORKSHIRE (*continued*)

Bradford.—DAVID WATERHOUSE & NEPHEWS, F.A.I., Britannia House, Chartered Auctioneers and Estate Agents. Est. 1844. Tel. 22622 (3 lines).
Hull.—EXLEY & SON, F.A.L.P.A. (incorporating Officer and Field), Valuers, Estate Agents, 70 George Street. Tel. 33991/2.
Leeds.—SPENCER, SON & GILPIN, Chartered Surveyor, 2 Wormald Row, Leeds, 2. Tel. 3-0171/2.
Scarborough.—EDWARD HARLAND & SONS, 4 Aberdeen Walk, Scarborough. Tel. 834.
Sheffield.—HENRY SPENCER & SONS, Auctioneers, 4 Paradise Street, Sheffield. Tel. 25206. And at 20 The Square, Retford, Notts. Tel. 531/2. And 91 Bridge Street, Worksop. Tel. 2654.

SOUTH WALES

Cardiff.—DONALD ANSTEE & CO., Chartered Surveyors, Auctioneers and Estate Agents, 91 St. Mary Street. Tel. 30429.
Cardiff.—S. HERN & CRABTREE, Auctioneers and Valuers. Established over a century. 93 St. Mary Street. Tel. 29383.
Cardiff.—J. T. SAUNDERS & SON, Chartered Auctioneers & Estate Agents. Est. 1895. 16 Dumfries Place, Cardiff. Tel. 20234/5, and Windsor Chambers, Penarth. Tel. 22.
Cardiff.—JNO. OLIVER WATKINS & FRANCIS, Chartered Auctioneers, Chartered Surveyors, 11 Dumfries Place. Tel. 33489/90.
Swansea.—E. NOEL HUSBANDS, F.A.I., 139 Walter Road. Tel. 57801.
Swansea.—ASTLEY SAMUEL, LEEDER & SON (Est. 1863), Chartered Surveyors, Estate Agents and Auctioneers, 49 Mansel Street, Swansea. Tel. 55891 (4 lines).

NORTH WALES

Denbighshire and Flintshire.—HARPER WEBB & CO., (incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. 20685.
Wrexham, North Wales and Border Counties.—A. KENT JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. The Estate Offices, 43 Regent Street, Wrexham. Tel. 3483/4.
Wrexham, North Wales and Ellesmere, Shropshire.—WINGETT & SON, Chester Street, Wrexham. Tel. 2050.

after the book had gone to print, but the possible effects of this important decision, and one or two other developments in the latter part of 1959, are fully indicated in fifteen pages of addenda bound in with the first volume: with the assistance of these addenda the law is stated as at 31st December, 1959.

Five years ago we suggested that the contents of Pt. VI devoted to "Practice" should be incorporated in the main body of the text. We are gratified that the author should have specifically mentioned this suggestion in his preface and appreciate the reasons which have led to its rejection. At the risk of being persistent we would invite the author to consider for the next edition whether those reasons operate as strongly in the sections of Pt. VI dealing with valuation. This because valuation is a subject upon which general rules on the one hand and practice (including "horse-trading") on the other can hardly be distinguished, let alone divorced.

Although this edition is the first with which the original author has not been concerned, it is fully up to the standard of, and indeed is an improvement on, its predecessors. It is closer than any other book to achieving the impossible task of making the law of estate duty comprehensible to those who are not experts in it (or indeed to those who rashly claim to be experts). Anyone who is required to advise upon estate duty ought to have it.

The Elements of Income Tax Law. Fourth Edition. By C. N. BEATTIE, LL.B., of Lincoln's Inn, Barrister-at-Law. pp. xxviii and (with Index) 221. 1960. London: Stevens & Sons, Ltd. £1 10s. net.

This is one of the excellent books which have been called into being by the present form of the solicitors' final examination. It is amazing that in 208 pages so much of the basic principles of income tax can be covered, including complicated topics such as pension schemes, settlements and surtax directions. The student who knows this book should have no difficulty in getting into practical tax work, and the practitioner could often turn to it with advantage before referring to more detailed works.

The author has, with some misgivings, altered the arrangement of this edition by postponing the discussion of deduction at source under ss. 169 and 170 to chap. 6. This has made it necessary to give the reader a brief introduction to the sections at p. 11 which could perhaps be improved if the arrangement is repeated in future editions. To introduce s. 170 as a parenthesis to a statement of s. 169 may be over-trying the reader, and the statement that "income which is taxed by deduction at source is treated as income of the year of assessment in which it arises" is not very helpful in view of the differing basis (explained in chap. 6) according to whether s. 169 or s. 170 applies.

Some mention of surtax could well be made in the introductory chapter, particularly as the definition of "total income" is given, and total income means little except in relation to surtax.

The chapter on trades and professions successfully introduces several puzzling questions such as succession, treatment of losses and capital allowances, but on p. 58 the author makes a doubtful point when he says that cash collected after termination of a profession cannot be charged to tax, whether on the cash basis or the earnings basis. This is literally true, but on an earnings basis the receipt will normally suffer tax in effect by being reflected in work in progress in the final year's accounts. It is also difficult to follow the suggestion that assessment on an earnings basis might be applied to a barrister because of the rule as to relation back of gratuitous receipts; since the relation back of gratuitous receipts only applies when profits are assessed on an earnings basis, the argument appears to be circuitous.

In dealing with s. 252 the practical importance of the surtax clearance might be stressed, and it is a pity that the word, "clearance" is not used, because although it does not appear in the Act it has become the universal description for this procedure.

We have made these detailed suggestions because we have no doubt that in a few years there will be a fifth edition of this book, and that it will long continue to play an important part in introducing solicitors to a field they have too often neglected in the past.

Legal Decisions Affecting Bankers. Volume 6, 1947–1954. Edited and Annotated by MAURICE MEGRAH, of Gray's Inn, Barrister-at-Law. pp. x and (with Index) 484. 1960. Issued under the sanction of the Council of the Institute of Bankers. London: Blades, East & Blades, Ltd. £1 net.

As far as solicitors are concerned, the real value of this work lies in the fact that, as well as English cases, it includes reports of decisions of the courts of Scotland, Ireland, the United States of America and Canada and other reports which may not otherwise be readily available. The author has added to the usefulness of his work by writing a short explanatory note at the end of each report.

Jordan's Guide to Sound Investment. Second Edition. Stocks and Shares simply explained. By R. B. ORANGE, M.A. (Oxon). With a foreword by NORMAN CRUMP. pp. 32. 1960. London: Jordan & Sons, Ltd. 2s. net.

This booklet gives a valuable insight into investment matters from the beginner's point of view. The features of different types of Stock Exchange securities, Stock Exchange procedure and many technical terms are explained simply and the points to be considered before making an investment are set down clearly. The author endeavours to inculcate a professional attitude towards investment: "Base your buying on good value, and not on what you think that other people will think." He emphasises that investment advice, whether from stockbrokers, solicitors, bank managers or the financial press, is necessarily far from infallible, and that the investor himself should make the final decision. It is his money which is at stake.

Perhaps inevitably there is some over-simplification. Solicitors will be surprised to learn that "death duties could never be paid or estates valued without a market which enables shares to be sold and prices quoted" and also that "new capital . . . could not be provided for industry if it were not for the Stock Exchange." The importance of the net United Kingdom rate of tax to the investor with a low income might also have been mentioned. Nevertheless this book provides a valuable and inexpensive introduction to investment matters.

CORRESPONDENCE

[The views expressed by our correspondents are not necessarily those of "The Solicitors' Journal"]

Plus ça Change . . .

Sir,—In your issue of 25th March last I noted with interest the excerpt from "THE SOLICITORS' JOURNAL, 24th March, 1860" dealing with the then disproportionate concern with exclusively metropolitan affairs shown by the Incorporated Law Society.

No one would deny the advantages, of a not immediately apparent nature, which stem from membership of The Law Society. But on reading through the prospectus of facilities, e.g., dining-room and bedroom accommodation, available to members, I find that most, if not all, of these are restricted to weekdays only.

No country solicitor would begrudge his city counterpart the enjoyment throughout the week of these facilities together with the many other functions organised by the Society. But it appears that when London men close their offices on Friday evenings, The Law Society's Hall closes in sympathy, to the detriment of their country brethren, the most likely time for whom to be in the City is surely at the week-ends when the Society's facilities are not available. It may be that mine is a voice crying in the wilderness of the North, or that the whole question is simply one of economics, but I would be interested to hear if similar thoughts had crossed the minds of others.

T. A. MUCKLE.

Newcastle-upon-Tyne.

NOTES AND NEWS

REPAYMENT OF POST-WAR CREDITS

The draft Post-War Credit (Income Tax) Amendment Regulations, 1960 (H.M.S.O., 4d.), which are due to come into operation on 16th May, implement the intention announced in the Budget of widening the groups of those qualifying for repayment of post-war credits. The following will become eligible to claim repayment: (1) Persons who for a continuous period of twenty-six weeks ending after 4th April, 1960, have been receiving sickness or industrial injury benefit, or who would have been receiving such benefit but for special arrangements made with their employers, or who have been in-patients in hospitals or nursing homes; (2) persons who after 4th April, 1960, are receiving war or industrial injuries disability pensions in respect of assessments of 100 per cent., or an allowance under the Workmen's Compensation and Benefit (Supplementation) Act, 1956, or the Workmen's Compensation (Supplementation) Act (Northern Ireland), 1956; (3) persons who for a continuous period of twenty-six weeks ending after 4th April, 1960, have been registered as unemployed; and (4) a person who at any time after 4th April, 1960, is a widow. No payment of credits will be made by virtue of these regulations before 13th June, 1960. Provision is also made for disregarding intervals up to a total of six days (excluding Sundays) in certifying a continuous period of twenty-six weeks and for combining periods of sickness, unemployment and national assistance, so as to enable a person to qualify in respect of a total continuous period of twenty-six weeks.

THE COMMONWEALTH WAR GRAVES COMMISSION

The Imperial War Graves Commission announce that a supplemental Royal Charter has been granted approving the alteration of the name of the Commission to the Commonwealth War Graves Commission. The new title is adopted as from 1st April, 1960. The status and functions of the commission, together with its authorities, powers, rights and obligations, are not affected by the alteration in title, and the work of the commission continues unchanged.

THE SOLICITORS' LAW STATIONERY SOCIETY, LIMITED

In a preliminary announcement dated 13th April, the directors announced that the sales for the year 1959 were 17½ per cent. higher and that the profit for the year, after providing £72,250 (£38,880) for taxation, amounted to £152,080 (£84,426). A final dividend of 12 per cent., making 16 per cent. (12 per cent.) for the year, is recommended, absorbing £29,400 net (£21,713). The gross bonus payable to the staff amounts to £56,000 (£38,000). General reserve receives £50,000 (£17,500), taxation equalisation reserve £3,000 (nil), reserve against loss on purchase tax nil (£2,500) and women's pension provision £5,000 (£3,500). Carry forward £67,568 (£58,888). Sales for the first quarter of 1960 are up by over 30 per cent. Meeting: 24th May. Registers closed: 11th to 24th May inclusive.

Personal Notes

Mr. JOHN F. DIXON, solicitor, of Nantwich, and one of the oldest practising solicitors in Cheshire, retired at the end of March. He is eighty-two and has been a member of the Chester and North Wales Incorporated Law Society since 1908, and was its president in 1941–42.

Mr. K. H. RIGGALL, solicitor, of Nantwich, Cheshire, has resigned from Nantwich Urban District Council. He was recently appointed Registrar to the County Courts at Crewe, Market Drayton, Nantwich, and Northwich.

Mr. LOUIS TARLO, solicitor, of London, W.C.2, has been selected as non-playing captain of the British team in the first World Bridge Olympic which starts in Turin on 23rd April.

SOCIETIES

The CENTRAL AND SOUTH MIDDLESEX LAW SOCIETY held a well attended dinner meeting on 29th March when Mr. Kenneth Goodacre, clerk to the Middlesex County Council, dealt with the subject of the county council and the solicitor. Mr. J. Anthony S. Nicholls presided. The guests included: Mr. E. H. Fairbairn, Mr. F. Wilders and Mr. R. H. Williams of the North Middlesex Law Society, and Mr. C. Chody and Mr. A. G. Rubenstein of the West London Law Society.

The ISLE OF WIGHT LAW SOCIETY held its annual general meeting on 17th March, when Mr. R. W. Beasley was elected president; Mr. W. J. Eldridge, vice-president; Mr. P. E. Gill, hon. treasurer; and Mr. E. A. McCullagh, hon. secretary.

The WEST LONDON LAW SOCIETY held a general meeting on 6th April when its rules were approved. Mr. Herbert Lloyd, an under-secretary of The Law Society, gave an interesting talk in his typical lively style on "What local law societies can do for the profession and the public." Future activities of the society include general meetings on 27th April (at 6.30 p.m.) at the Westbourne Hotel, 1 Craven Road, Paddington, W.2, and 25th May (at 6.15 p.m.) at both of which under-secretaries of The Law Society will give talks; on 27th April Mr. Harold Horsfall Turner will speak on "Are you getting the rate for the job? Recent developments in solicitors' remuneration," and on 25th May Mr. E. J. T. Matthews will give a talk entitled "Are your overheads too high? Recent developments in office management." A cocktail party for members, their spouses and guests, is to be held on 9th June. Any solicitors wishing to join the society, or members desirous of expressing views on time and place for general meetings, should write to the hon. secretary, Mr. C. F. Wegg-Prosser, 159 Edgware Road, W.2.

At a meeting of the ROYAL INSTITUTION OF CHARTERED SURVEYORS on 4th April, Mr. C. A. Martin French, F.R.I.C.S., F.A.I., gave a talk on "Professional Negligence."

The PORTSMOUTH AND DISTRICT LAW CLERKS' ASSOCIATION held its annual dinner and dance at Southsea recently.

Honours and Appointments

Mr. EVAN RODERIC BOWEN, Q.C., has been appointed Recorder of the Borough of Swansea and will relinquish his Recordership of Merthyr Tydfil, and Mr. JOSEPH THOMAS MOLONY, Q.C., has been appointed Recorder of the City of Southampton and will relinquish his Recordership of Exeter.

Miss K. MARY DAVIES, solicitor, of Denbigh, has been appointed registrar of births, marriages and deaths for the newly combined districts of Denbigh and Ruthin.

Mr. JOHN A. HENHAM has been appointed Magistrates' Clerk to the new Wednesbury, Willenhall and Tipton division.

Mr. GILBERT FRANK LESLIE has been appointed deputy chairman of West Riding Quarter Sessions.

Mr. H. T. C. LLOYD, solicitor, has been appointed Magistrates' Clerk, Cardiff, in succession to Mr. Vernon W. Rees, who retires at the end of next June.

"THE SOLICITORS' JOURNAL"

Editorial, Publishing and Advertising Offices: Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. Telephone: CHAncery 6855.

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Classified Advertisements must be received by first post Wednesday.

Contributions are cordially invited and should be accompanied by the name and address of the author (not necessarily for publication).

Classified Advertisements

PUBLIC NOTICES

URBAN DISTRICT COUNCIL OF FARNBOROUGH

ASSISTANT SOLICITOR

Applications are invited for the appointment of Assistant Solicitor. Salary scale Grade A.P.T. V (£1,220–£1,375 per annum). The commencing salary will be fixed according to the age and experience of the successful candidate.

The post is superannuable and is subject to medical examination. Housing accommodation will be made available if required.

Canvassing will disqualify. Relationship to any member or senior officer of the Council must be disclosed.

Applications, stating age, qualifications, experience and the names of two referees, should reach me not later than the 23rd April, 1960.

D. STUART JONES,
Clerk of the Council.

Town Hall,
Farnborough,
Hants.

BUCKS COUNTY COUNCIL

Applications are invited for the post of ASSISTANT SOLICITOR in the office of the undersigned. Salary on scale £835–£1,165 or on scale £1,065–£1,220, according to experience. The post is superannuable and subject to medical examination. Local Government experience not essential.

Applications, giving the names and particulars of two referees, must reach the undersigned by 9th May, 1960. No forms are being issued.

R. E. MILLARD,
Clerk of the Bucks County Council.

County Hall,
Aylesbury.

LONDON COUNTY COUNCIL

Applications invited from men and women under 40 on 30th April, 1960, with several years' practical experience in a solicitor's office, for appointments as LAW CLERKS in the Legal and Parliamentary Department. Commencing salary according to ability and experience within range of £470–£890 on a scale rising to £1,135 if satisfactory. Salaries now under review, with probable maximum of scale £1,250. Compulsory superannuation scheme. Further particulars and application form (returnable by 30th April, 1960) from Solicitor, County Hall, S.E.1. ("Law Clerk"). (928)

BOROUGH OF BARKING

ASSISTANT SOLICITOR required on Grade A.P.T. IV (£1,065–£1,220 per annum, plus London weighting). Commencing salary will be fixed within the scale according to experience.

Applications, giving full particulars and the names of two referees, to be sent to the undersigned by 30th April, 1960.

E. R. FARR,
Town Clerk.

Town Hall,
Barking.

LONDON COUNTY COUNCIL

invites applications for ASSISTANT SOLICITORS. Salary £930 – £965 – £1,000 – £1,040 – £1,080 – £1,135, commencing according to qualifications and experience. Promotion to scale £1,080–£1,135–£1,185–£1,240–£1,295–£1,355 on merit. Salaries now under review, with probable maxima of £1,250 and £1,500. Superannuation scheme. Details and application form returnable by 30th April, 1960, from Solicitor ("Assistant Solicitor"), County Hall, S.E.1. (927)

NOTTINGHAMSHIRE COUNTY COUNCIL

QUALIFIED LEGAL ASSISTANT

Applications are invited for the above post on my staff on salary scale J.N.C.B. (£1,305–£1,485 per annum). The person appointed would spend a considerable portion of his time on Quarter Sessions work and should be either a solicitor or barrister, though a barrister, if appointed, would not practise as such.

Applications, stating age, present position, qualifications and experience, together with the names of two referees, should reach me not later than Friday, 6th May, 1960.

A. R. DAVIS,
Clerk of the County Council and
Clerk of the Peace.

BOROUGH OF RICHMOND (SURREY)

LEGAL ASSISTANT, TOWN CLERK'S DEPARTMENT

Salary within A.P.T. II plus London Weighting (£795 + £25 × £30 — £910).

Applications to the undersigned, naming two referees by the 23rd April, 1960, and stating relationship, if any, to members of the Council or senior officers. Canvassing prohibited.

CLIFFORD HEYWORTH,
Town Clerk.

Town Hall,
Richmond,
Surrey.

APPOINTMENTS VACANT

ENGROSSING Typist.—Experienced typist, aged 23–35, required in Westminster Office of large commercial organisation, adjacent to Tube station. Pleasant working conditions. Good salary, from £520 p.a. at 25. 5-day week. Sports and social club, L.V.'s, full range of employee benefits.—Telephone WHI 1010, Ext. 345, for appointment, or write to Box 6554, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

YOUNG Solicitor required to work with or without supervision in general practice, West Midlands town. Salary according to experience, good prospects. Accommodation arranged if necessary, use of car.—Box 6555, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SURREY.—Managing Clerk, principally Conveyancing and Probate, little Common Law, required at once. House if required. Please state salary.—Box 6523, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MID-WALES SPA.—Vacancy for retired Solicitor whole or part-time. Also locum tenens.—Box 6478, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4

ASSISTANT Solicitor with some experience of Probate and Conveyancing required by City firm. Write stating age, experience and salary required.—Box 6490, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

THREE-YEAR articles with normal salary offered by old established West London solicitors to suitably qualified applicant capable of handling straightforward conveyancing under supervision. No Saturdays. Please write with full details to Box 6545, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

EXETER Solicitors urgently require Probate and Trust Clerk. Permanent position. Please write with details.—Box 6556, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

OXFORDSHIRE.—Assistant Solicitor required for old-established practice, to undertake conveyancing, some advocacy and general matters; good opportunity for newly admitted man seeking experience, although experienced applicant would be considered. Flat available if required.—Write full particulars including age, experience and salary suggested, Box 6557, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR urgently required by West End firm—four partners—in fast expanding litigation department. No specialisation required; excellent opportunity to lead to partnership, without capital investment, for man with right experience, ability and ambition. Salary £1,250, or more if substantiated.—Box 6558, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING, Trust and Probate—admitted or unadmitted—salary £850/£1,750 to commence, depending on experience and competence.—Box 6559, Solicitors' Journal Oyez House, Breams Buildings, Fetter Lane, E.C.4.

OPENING occurs in Secretarial and Accounting Dept., Public Company, Holborn District for Senior Assistant. Age 30 to 45. Duties will include vetting conditions of contract applicable to Building Trade and responsibility for Insurance and Claims. Good opportunity and salary for person with initiative.—Write age, exp., and salary.—Box No. 6560, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LINCOLN Solicitors, old-established, with large conveyancing, probate and general trust practice, require experienced unadmitted Clerk, capable of acting with minimum supervision. Good working conditions and progressive salary.—Write with full details to Box 6561, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING.—£1,000 PER ANN.—MODERN HOUSE RENT-FREE for conveyancing clerk (admitted or unadmitted), able and willing to handle considerable volume of work with slight supervision. East Herts. Pleasant country district near London.—Box 6562, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ISLE OF WIGHT Solicitors want (*a*) Senior Clerk, (*b*) Junior Clerk, (*c*) Junior Solicitor. Progressive Conveyancing and General posts in expanding practice with several offices.—Salaries £500–£900.—Box 6563, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WORCESTERSHIRE.—Solicitor required to take charge of litigation, magisterial and general work. Good salary and prospects.—Apply Box 6564, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ELTHAM.—Conveyancing Clerk (25–40) required in busy practice. Every opportunity given. Good salary according to age and experience. Applicant should have had experience with firm of standing.—Please write: The Principal, Edmund Hemming and Co., 99 High Street, Eltham, S.E.9.

LITIGATION Managing Clerk required by Southend-on-Sea Solicitors; experience Divorce, Common Law claims and good working knowledge of High Court procedure essential. Capable working without supervision. Excellent working conditions. Salary by arrangement. Holidays honoured.—Box 6572, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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APPOINTMENTS VACANT—*continued*

CONVEYANCING Managing Clerk of wide experience and capable of working entirely without supervision required to assist overworked principal in small busy practice near Southend-on-Sea. Please write with full particulars.—Box 6570, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ACCOUNTANT/CASHIER required by Bristol Solicitors with busy commercial office. Experience required in Solicitors' Accounts, Cashier's duties, Trust Accounts and Taxation. Good salary for a suitable applicant.—Box 6571, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

£850 OFFERED to newly qualified Solicitor for a position with a firm of Solicitors carrying on a General Practice in the North Notts area. Salary reviewed every six months.—Box 6565, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITORS required general clerk with experience.—Apply Harding & Barnett, 14 New Street, Leicester.

MIDLANDS.—Young Solicitor, preferably with some experience in advocacy and common law required by old-established firm; prospects of partnership; state age and experience.—Box 6566, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

READING.—Solicitors with practices in two other towns are now opening new offices in Reading. Solicitor required to take sole charge and build up practice. This is a long-term project and there is every prospect of partnership for the right man. One with three or four years' experience most suitable, but all applications considered.—Box 6567, Solicitors' Journal Oyez House, Breams Buildings, Fetter Lane, E.C.4.

S.E. LONDON solicitors require conveyancing and probate clerk with good knowledge of land registry procedure: experience of county court work preferred: pension scheme: write stating age: education: experience: salary required.—Box 6547 Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ENERGETIC young Solicitor interested in advocacy and litigation required in Cardiff practice. Minimum commencing salary £1,000 per annum and provision of car. Excellent prospects.—Box 6548, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

OXFORD Solicitors require an assistant to take sole charge of a small amount of Divorce and common law work but to assist mainly in conveyancing and general practice. Starting salary according to qualifications. Prospects of a limited partnership without capital contribution.—Box 6549, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

OLD-ESTABLISHED South Hampshire expanding firm require experienced assistant primarily for common law and litigation department. Salary not less than £1,400 for right man. Prospects of partnership.—Box 6534, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ACCOUNTS Clerk with really good knowledge of Trust and Executorship and Solicitors Accounts; some knowledge of Costs or Probate an advantage but not essential; age 25–45; generous progressive salary; help given in moving and in housing if required. Southern England; near Home Counties.—Write with details of age and experience to Box 6538, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

GOSPORT.—Solicitors have vacancy for litigation and common law clerk with experience in divorce and accident claims. Commencing salary not less than £800. Bonus and pension schemes.—Box 6535, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

EAST KENT.—Solicitor-Advocate required in large general practice. Applicant must have been admitted at least 3 years, and preferably articled in provinces. Salary according to age, ability and experience of Common Law and criminal matters.—Box 6536, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BRIGHTON.—Assistant Solicitor required in general practice principally conveyancing, some probate. Salary according to experience minimum £1,000 per annum, good prospects. Accommodation could be arranged.—Box 6537, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PROBATE Clerk (30–40) required by large firm of Solicitors in Southern England; must be first class trust accountant and able to work on own responsibility with slight supervision. Good progressive salary according to ability and experience; Pension Scheme; Holiday arrangements honoured.—Write with full details of age, education, experience and salary required to Box 6539, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

COSTS Clerk required; Southern England Office; aged 30–40; Knowledge of Probate or Conveyancing or general accounts experience an advantage but not essential. Salary scale by arrangement with annual rises; generous benefits and assistance in various directions.—Write with age and experience to Box 6540, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required to assist Partner in South West London firm for approximately two years; excellent opportunity for young solicitor seeking experience in a busy general practice. Good salary to right man.—Box 6541, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MANAGING or other experienced Clerk required by a Finance House to deal with County Court and High Court work and day to day legal matters. Age immaterial, but applicant must be active and capable of working under pressure for short periods. Attractive starting salary with increases by arrangement. Local resident preferred. Write or Telephone —Simplex Securities Limited, 125 Greenwich High Road, London, S.E.10. GRE 5758.

GUILDFORD.—Solicitors require experienced Conveyancing and Probate Assistant (admitted or unadmitted). Apply stating age, experience and salary required.—Box 6518, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTHEND-ON-SEA.—Old-established firm require Assistant Solicitor or unadmitted Clerk for Conveyancing and Probate. Minimum supervision. Write stating age and experience.—Box 6526, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CITY Solicitors require unadmitted Probate Clerk.—Write giving particulars with age, experience and salary required, to Box 6350, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Managing Clerk, admitted or unadmitted, required for London South West Suburb—good prospects for advancement for keen and hard worker—please state age, experience and salary required.—Box 6355, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CITY solicitors require experienced conveyancing clerk; hours 9.30—5, no Saturdays; pension scheme. Please state age, experience and salary required.—Box 6319, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor recently qualified wanted for old-established general practice in Barnsley; willing to undertake advocacy.—Box 6396, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane. E.C.4.

YOUNG Solicitor required for London Suburban Conveyancing practice—must be hard worker and capable of acting independently—good prospects of partnership.—Box 6354, Solicitors' Journal, Oyez House, Breams Buildings, E.C.4.

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South Western ELECTRICITY

VACANCIES FOR SENIOR ASSISTANTS

(UNADMITTED)

Applications are invited for the following positions in the Legal Department of the Board's Head Office at Electricity House, Colston Avenue, Bristol, 1.

1. Salary within the scale—£885 × £25—£960

Applicants should have had a minimum of 10 years' practical experience in conveyancing and have acquired a sound knowledge of the law of property. They will be required to undertake with the minimum of supervision the normal work of a Conveyancing department and must be thoroughly conversant with the conduct of registered as well as unregistered transactions and possess a working knowledge of settlements, trusts and probates as incidental to the investigation of titles.

The successful candidate will be required to deputise for the Board's Principal Conveyancing Assistant and to supervise the Conveyancing Section in his absence.

2. Salary within the scale—£795 × £25—£870

Applicants should have had a minimum of 5 years' practical experience in Conveyancing with a good general knowledge of the law of property and will be required to undertake (under slight supervision) straightforward purchases, leases and sales and any other dealings in registered and unregistered land.

In both cases, familiarity with compulsory purchase procedure and the law relating to electricity supply, whilst not essential, will be an advantage as also will be proficiency in the correct use of English and the ability to draft documents without the use of precedents.

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- **Excellent sick pay and superannuation schemes.**
- **Canteen, sports and social facilities.**

APPLY, BY POSTCARD ONLY, FOR AN OFFICIAL APPLICATION FORM TO ROOM 314, ELECTRICITY HOUSE, COLSTON AVENUE, BRISTOL, 1, QUOTING REFERENCE LS. 1. CLOSING DATE FOR RECEIPT OF COMPLETED APPLICATIONS IS THE 29TH APRIL, 1960.

CLASSIFIED ADVERTISEMENTS—*continued from p. xx*

APPOINTMENTS VACANT—*continued*

ASSISTANT Solicitor required to take over and develop litigation in busy Conveyancing practice Norfolk Coast; good prospects to capable and efficient Advocate. Please write stating age, experience and salary required.—Box 6475, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

YEOMAN CREDIT LIMITED

LEGAL ASSISTANT

There is an immediate vacancy for an assistant in the Legal Department at the Company's Head Office at Brentford. Applicant should have considerable experience of Court Procedure and sound grasp of Common Law. Knowledge of Hire Purchase an advantage. Commencing salary in the region of £1,000 per annum. Excellent working conditions, staff restaurant and contributory pension scheme.

Apply: Office Manager, Yeoman House, Kew Bridge, Brentford, Middlesex.

BICESTER, Oxfordshire.—Unadmitted Clerk required mainly for Probate and Trust work in established country practice; might suit applicant wishing to get away from London. Please write stating age, qualifications, experience and salary required.—Box 6515, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LEIGHTON BUZZARD, Bedfordshire.—Assistant Solicitor or unadmitted man required in busy country practice. Experience of Conveyancing and Probate work essential. Please apply stating age, experience and salary required.—Box 6517, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

GEORGE WIMPEY & CO., LIMITED

Building and Civil Engineering Contractors

invite applications for the following vacancies in their Legal Department:—

An experienced CONVEYANCING ASSISTANT for the Company's Head Office in HAMMERSMITH. Initial remuneration by arrangement but not less than £1,000 per annum.

An experienced CONVEYANCING ASSISTANT required to take charge of a Branch Office of the Conveyancing Section of the Legal Department to be set up at the Company's Regional Office in LEEDS. Applicants should be accustomed to working with minimum supervision. Initial remuneration by arrangement but not less than £900 per annum.

Applicants for the above posts should be accustomed to working with minimum supervision.

Applications, stating age, present salary and giving full details of experience, should be addressed to:—

The Solicitor,
27 Hammersmith Grove, London, W.6

GLOUCESTER.—Assistant Solicitor (under 35 years) required for general practice. Please supply particulars of experience, age and salary required.—Box 6516, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BATH.—Expanding Practice (sole principal) requires young Solicitor of ability, with personality and initiative; preferably with good honours degree. Must be able and keen to deal efficiently and without supervision with steady volume of conveyancing, plus some Probate and general work. Partnership will be offered in about twelve months to suitable man. Please state age, education, experience, initial salary required and earliest date available.—Box 6519, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

APPOINTMENTS WANTED

MANAGING Clerk (41), seeks post South, South West or Wales. Wide and varied experience Probate, Costs, Accident Claims, Litigation, Divorce. Some Conveyancing (slight supervision), Income Tax, Lunacy. Salary around £1,000.—Box 6542, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MANAGING Clerk (32) LL.B. 12 years variety Litigation but also some Conveyancing. 3 Senior Managing Clerks and 6 other Certificates including Probate and Land Registration able and willing, desires post Liverpool, Chester areas. Minimum £1,000 further progress dependent on ability.—Box 6550, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

RECENTLY qualified Solicitor with experience, mainly of Probate and Conveyancing industrious and willing to accept responsibility, seeks appointment, preferably in the London area or South of England.—Box 6568, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LADY Conveyancing Assistant (capable of handling house-purchase, sales, Land Registry work, etc., with little supervision) wishes to obtain post in Victoria, Westminster or Temple districts—not commercial or large estate work, please. Some (though a little "rusty") experience of Probate.—Box 6569, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PRACTICES AND PARTNERSHIPS

SOLICITOR wishes to purchase small or medium size general practice within 100 miles of London an advantage but not essential provided there is scope for development.—Box 6494, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

A THIRD partner is required for a well-established, busy and progressive general practice adjoining Law Courts, Strand; preliminary clerkship with view to purchase of share involving minimum capital outlay of £4,500.—Write Box 6533, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WESTMINSTER Solicitors wish to contact elderly Solicitor with a view to take over of practice or would acquire practice from Executors.—Box 6573, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PREMISES, OFFICES, ETC.

OFFICES to let. 1,700 square feet, 8 rooms or more at 16s. 9d. a square foot. Near Gray's Inn, Lincoln's Inn. 10-year lease.—Harvey, Elend & Co., 72 Red Lion Street, W.C.1. CHA 8286.

PROPERTY INVESTMENTS

INVESTMENTS REQUIRED

ACTIVE enquiries in hand for good-class shop investments, blocks of flats, freehold ground rents and weekly investments of all types.—Details in confidence to Cowdrey, Phipps & Hollis, F.A.L.P.A., Investment Department, 360 Neasden Lane, London, N.W.10. (Dollis Hill 6671/5.)

PROPERTY FOR SALE

FOR SALE—£225,000

MODERN freehold building in centre of NDOLA, Northern Rhodesia. 16,764 sq. ft. Shops, flats, offices and warehouse let to first-class tenants, producing £19,066 gross p.a. (with £3,900 of rentable space still unlet). Large mortgage available.

Apply Trower, Still & Keeling, 5 New Square, London, W.C.2 (reference EAP/T).

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REVERSIONS, LIFE POLICIES, ANNUITIES and UNQUOTED SHARES.—H. E. Foster and Cranfield, 6 Poultry, E.C.2, specialise in the valuation of these interests for probate purposes. Established 1843.

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DIVORCE and general inquiries undertaken throughout London, Surrey, Middlesex by our own staff. Evictions and distress warrants executed. Certificated Bailiffs. Southern Provincial Investigations, 45 Brighton Road, Surbiton, Surrey (Elmbridge 1032/4). Also at 107A Hammersmith Road, London, W.14.

SERVICES

DRAWINGS prepared for British and Foreign Patents, and for other purposes. Plan printing and document copying.—P. L. HAWKES, 5 Staple Inn, W.C.1. CHAncery 9560.

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CLASSIFIED ADVERTISEMENTS—*continued from p. xxi*

COSTS

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